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Letter dated 29 November 2011 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 5 of Security Council resolution 1952 (2010), I have the honour to submit herewith the final report of the Group of Experts on the Democratic Republic of the Congo.

In this connection, I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chair

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Enclosure

Letter dated 18 October 2011 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the final report of the Group, prepared in pursuance of paragraph 5 of Security Council resolution 1952 (2010).

(*Signed*) Fred **Robarts**

(*Signed*) Nelson **Alusala**

(*Signed*) Ruben **de Koning**

(*Signed*) Steven **Hege**

(*Signed*) Marie **Plamadiala**

(*Signed*) Steven **Spittaels**

Summary

Foreign and Congolese armed groups are positioning themselves for the campaign and post-electoral periods in eastern Democratic Republic of the Congo. Despite further reorganization, the Forces armées de la République démocratique du Congo (FARDC) is still divided by parallel chains of command, with many former soldiers of the Congrès national pour la défense du peuple (CNDP) still loyal to General Bosco Ntaganda, who has encouraged them to resist attempted reforms. Some mineral processors, traders and end-users have made encouraging progress in implementing due diligence, but the mining sector as a whole remains some distance from adequate implementation of the due diligence guidelines produced by the Group of Experts on the Democratic Republic of the Congo, which the Security Council unanimously supported taking forward in paragraph 7 of its resolution 1952 (2010).

Foreign armed groups

The Forces démocratiques de libération du Rwanda (FDLR) remains the most militarily strong and politically significant rebel force in the Kivus, despite being riven by internal tensions stemming from the hard-line leadership of its commander, General Sylvestre Mudacumura. Since the arrests of several of the most senior FDLR leaders in Europe during 2009/10, the group's remaining political representatives have gone into hiding, although telephone logs demonstrate their continued communication with these international contacts and senior commanders in the Kivus.

While in the past, FDLR derived much of its funding from mining, its direct access to and control over certain natural resources have been reduced. Instead, the main sources of financing for FDLR are trade in commercial products in mining areas under its control, and taxation and agricultural sales of products such as palm oil and cannabis.

FDLR has been subject to little military pressure from FARDC, in 2011, aside from joint operations of the Rwandan Defence Forces (RDF) and FARDC in Rutshuru, and has continued to build alliances with Congolese armed groups. Negotiations between FDLR and the Government of the Democratic Republic of the Congo concerning the group's relocation to the country's Maniema Province lost momentum owing to disagreement over the Government's requirement that FDLR disarm first.

There is widespread interest among rebel groups, including FDLR, in an alliance with the South Africa-based political opponents Patrick Karegeya and Kayumba Nyamwasa. To date, however, the Group has not found conclusive evidence indicating that the dissidents themselves have provided either financial or material support to FDLR or any other group in eastern Democratic Republic of the Congo.

Activity by the Lord's Resistance Army (LRA) in the Democratic Republic of the Congo decreased during the second half of 2011, owing to the fact that most units have moved to the Central African Republic. LRA continues to subsist on looted food and goods and does not appear, from the available evidence, to be benefiting from external support.

During the reporting period, the Ugandan Allied Democratic Forces regained control over territory that it had previously lost to FARDC. The movement continues to receive income from money transfers, taxation on small gold mines and timber production, and has recruited members from Uganda, the Democratic Republic of the Congo, Burundi and the United Republic of Tanzania, and from among Somali refugees within Kenya.

Combatants belonging to the Forces nationales de libération (FNL) of Burundi have continued to use the province of South Kivu as a rear base for their remobilization efforts, having built a strong alliance with the Congolese rebels of Mai Mai Yakutumba, in Fizi territory. While it has yet to announce a formal identity and structure, FNL benefits from political, material and financial support from political leaders belonging to the Alliance démocratique pour le changement-Ikibiri. The FNL combatants also have support from within both Burundian and Congolese security forces, and have procured weapons in the United Republic of Tanzania. The arming by FNL of Mai Mai Yakutumba has emboldened the latter to expand its involvement in the mineral trade, piracy and attacks against members of the rival ethnic Banyamulenge local population.

Congolese armed groups

Congolese armed groups have been readying themselves for possible outbreaks of unrest as a result of post-electoral disputes. Those already integrated into FARDC, particularly the Coalition des patriotes résistants congolais (PARECO), CNDP and the Forces républicaines fédéralistes, have sought to consolidate their grip on key command positions and territories, hoping to ensure maximum support for the campaigns of their own candidates and the campaign of President Kabila. Having joined the Alliance pour la majorité présidentielle, these former armed groups have stated to the Group of Experts on the Democratic Republic of the Congo that important aspects of current peace arrangements would be jeopardized by an opposition victory.

The Government of the Democratic Republic of the Congo orchestrated a reform of army units in the eastern part of the country, made possible in part by the presidential suspension of mining activities from September 2010 to March 2011, which was accompanied by orders to demilitarize mining sites. Although one objective of the restructuring into regiments was to break parallel chains of command and address systematic insubordination, ex-CNDP member General Bosco Ntaganda ultimately hijacked the process by placing his most loyal officers in critical positions throughout North and South Kivu. In order to ensure a common front for elections, Ntaganda also reconciled with officers loyal to General Laurent Nkunda, still imprisoned in Kigali.

For their part, non-integrated armed groups, such as Mai Mai Yakutumba in South Kivu and PARECO LaFontaine in North Kivu, have found fertile ground in the pre-electoral period as they seek to capitalize on anti-Kabila and anti-CNDP sentiment in the two provinces. Some senior FARDC officers support these groups owing to their discontent at being marginalized by the army reform process. Most Congolese armed groups have not sought to disturb the electoral process, but rather have consolidated their forces, strengthened alliances with other groups and positioned themselves to respond to the election results. A few, such as the Alliance des patriotes pour un Congo libre et souverain and Nduma-Defence for Congo, have supported their political allies by maximizing voter registration in their home territories and, in the case of the latter's leader, running for elected office.

Natural resources

The Group evaluated the impact of its due diligence guidelines and examined steps taken by Member States to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the guidelines.

Since April 2011, most tin, tantalum and tungsten *comptoirs* in eastern Democratic Republic of the Congo have had no buyers for untagged minerals, with the exception of three — TTT Mining, Huaying Trading[a] and Donson International — which have sold to smelters, refiners and trading companies in China that do not require tags or evidence of due diligence. The Group has evidence that these *comptoirs* have made purchases that finance armed groups and criminal networks within FARDC. Since Chinese refiners, smelters and trading companies make up a significant proportion of the buyers of tin, tungsten and particularly tantalum from eastern Democratic Republic of the Congo, awareness and implementation of due diligence on the part of such companies are of particular importance. However, the Group was unable to visit China to investigate the due diligence implementation of such refiners and smelters or to discuss with the Government the steps that it is taking to raise awareness and urge implementation of due diligence.

Few *comptoirs* in eastern Democratic Republic of the Congo and neighbouring countries are currently implementing due diligence. In non-conflict areas, where *comptoirs* and other traders have exercised due diligence and introduced traceability systems, mining sector governance has improved, and mineral production and export have risen. In areas where no traceability systems have been introduced, particularly the Kivus and Maniema, mineral production and exports have fallen. This has not only decreased conflict financing, but also weakened mining sector governance, with a greater proportion of trade becoming criminalized and with continued strong involvement by military and/or armed groups.

There is good awareness of the Group's due diligence guidelines among international refiners and smelters of tin, tantalum and tungsten ores belonging to the International Tin Research Institute, an industry association, while awareness among non-members is weaker. For many Institute members, a more immediate concern is to attain "conflict-free smelter" status. "Conflict-free smelter" audits require refiners and smelters to show evidence of due diligence, and their form has been significantly influenced by the Group's due diligence guidelines.[b] General awareness of the issue of conflict minerals, and of the need for due diligence to mitigate the risk of funding conflict through mineral purchases, has increased internationally in most affected industries, particularly electronics, vehicle manufacture and aerospace. This is most obvious in the United States of America, which has introduced legislative requirements for due diligence disclosure.

By contrast, Congolese gold is much in demand. Most of the gold trade in the country goes unrecorded, and most transactions are concluded in neighbouring cities such as Kampala, Bujumbura, Nairobi or Mwanza (United Republic of Tanzania). The Group found substantial discrepancies, of more than three tons, between gold import statistics provided by the authorities of the United Arab Emirates and those exports claimed by the Government of Uganda. The gold trade is among the main sources of financing available to Congolese armed groups and FARDC criminal networks. In addition to selling real gold, criminal networks organize elaborate scams in which counterfeit gold is sold to clients ranging from driving instructors to oil magnates.

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[a] S/2010/596, para. 188.

[b] See http://www.un.org/sc/committees/1533/egroupguidelines.shtml.

Gold *comptoirs* in eastern Democratic Republic of the Congo and neighbouring countries have not demonstrated significant awareness of the Group's due diligence guidelines. Due diligence implementation on the part of gold refiners, smelters and jewellers sourcing artisanally mined gold has also been weak, although gold industry associations are developing guidelines strongly influenced by those of the Group.

On 6 September 2011, the Ministry of Mines of the Democratic Republic of the Congo issued a *note circulaire* obliging all mining operators in the country, at every point of their supply chains, to exercise due diligence as defined in Security Council resolution 1952 (2010) and the guidance provided by the Organization for Economic Cooperation and Development. Other countries in the region have also taken measures to raise awareness of the due diligence guidelines, particularly Burundi and Rwanda, assisted by the International Conference on the Great Lakes Region. It remains unclear, however, how effectively the Rwandan mining authorities have been able to prevent the fraudulent importation of Congolese minerals into Rwandan mines, where they are then tagged as Rwandan.

On 10 March 2011, the Government of the Democratic Republic of the Congo lifted its suspension of all artisanal mining activity in the provinces of North Kivu, South Kivu and Maniema, which had been in place since 11 September 2010. The Group determined that during the ban, the mining of tin, coltan and wolframite had continued in several areas, often under the control of FARDC or armed groups. The involvement of FARDC units in mining activities sometimes leads to violent conflicts of interest between army units, revealing the persistence of parallel chains of command. Beyond the Kivus, mining activities are much less tainted by armed group or military involvement. Traceability efforts are ongoing in Tanganyika district, North Katanga, which is free from armed group control. In Maniema, the Group found conflict-free trading of minerals in the territories of Kailo and Pinga.

Smuggling is a widespread problem. Minerals can pass unrecorded through official crossings, but most smugglers use illegal border crossings. The Group identified a number of such crossings, including a street controlled by General Bosco Ntaganda in Goma and a small Lake Kivu port north of Bukavu run by elements of the FARDC navy. Smugglers sometimes try to launder untagged material into the International Tin Research Institute Tin Supply Chain Initiative in Rwanda, threatening the credibility of the system.

Armed groups continue to generate income from natural resources other than minerals. Among other things, the Group investigated instances of illegal taxation on fishing, timber and charcoal production.

Arms and ammunition

Armed groups continue to obtain most of their arms, ammunition and uniforms from FARDC. Leakage from FARDC stocks, whether through small-scale barter, larger transactions, abandonment or seizure on the battlefield, is widespread and largely uncontrolled. State-owned arms are not yet marked or registered before being issued.

Human rights

Finally, the Group looked into a number of human rights violations perpetrated by members of armed groups or FARDC. The recruitment and use of children remains a common practice within most armed groups. Within the national army, former CNDP officers continue to recruit minors, targeting those formerly associated with armed groups.

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I. Introduction

A. Mandate

1. The Group of Experts on the Democratic Republic of the Congo was established pursuant to Security Council resolution 1533 (2004). Its role is to gather and analyse all relevant information on flows of arms and related material, and networks operating in violation of the arms embargo concerning the Democratic Republic of the Congo.[1] The Group reports to the Security Council, through the Security Council Committee established pursuant to resolution 1533 (2004), and makes recommendations on the implementation of measures to enforce the arms embargo. The Group's interim report of 7 June 2011[2] summarized its mandate and the criteria by which individuals and entities may be identified and designated for targeted sanctions (see annex 1). The current list of designated individuals and entities was updated in June 2011 (see annex 2).

2. In paragraph 5 of its resolution 1952 (2010), the Security Council requested the Secretary-General to extend the mandate of the Group until 30 November 2011, with the addition of a sixth expert on natural resources issues. The Council requested the Group to focus its activities in areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of the Congo.

B. Methodology

3. In his letter dated 17 February 2011 (S/2011/77), the Secretary-General informed the Security Council that he had appointed to the Group Mr. Nelson Alusala of Kenya (arms), Mr. Ruben de Koning of the Netherlands (natural resources), Mr. Steven Hege of the United States of America (armed groups), Ms. Marie Plamadiala of the Republic of Moldova (customs and logistics) and Mr. Fred Robarts of the United Kingdom of Great Britain and Northern Ireland (regional issues and Coordinator). By his letter dated 1 April 2011 (S/2011/219), the Secretary-General appointed the sixth member of the Group, Mr. Steven Spittaels of Belgium (finance). Two consultants assisted the Group: General (retired) Jean-Michel Destribats of France (arms stockpile security) and Mr. Gregory Mthembu-Salter of the United Kingdom (due diligence implementation). The Group

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[1] Security Council resolution 1807 (2008) requires all States to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. (The Committee established pursuant to resolution 1533 (2004) should be notified in advance of transfers of military equipment to the Government of the Democratic Republic of the Congo, as well as the provision of military training, in accordance with paragraph 5 of resolution 1807 (2008).)

[2] S/2011/345, paras. 1-5.

was also assisted in its mandate by Stéphane Auvray, Political Affairs Officer in the Department of Political Affairs of the United Nations Secretariat.

4. The addition of a sixth expert and the assistance of consultants have boosted the research capacity of the Group, as reflected in the present report. The Group deems it relevant to report that budget cuts affecting its consultancy funds, which have decreased from 20 months in 2010 to 6 months in the current mandate and have been removed entirely in the 2012 budget, may in the future restrict the Group's capacity to fully implement its mandate. The Security Council has increasingly entrusted a normative role to the Group with respect to due diligence, requesting it to produce guidelines and then to evaluate their impact, by paragraph 7 of resolution 1896 (2009) and paragraph 6 of resolution 1952 (2010), respectively. Similarly, the Group has endeavoured in 2011 to support the efforts of the Government of the Democratic Republic of the Congo in the promotion of arms stockpile security, pursuant to requests made in paragraph 9 of resolution 1896 (2009) and paragraph 14 of resolution 1952 (2010). With regard to both of these crucial issues, the Group is concerned that the budget cuts, which are reportedly affecting other sanctions-monitoring expert groups, may limit its capacity to fulfil its mandate through the Committee, thereby undermining the quality of its reports to the Council.

5. The Group is committed to ensuring the accuracy of its findings, and to adhering to the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006 (S/2006/997), by relying on verified, authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. When this was not possible, the Group corroborated information using at least three sources assessed to be independent of one another, credible and reliable, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Group wishes to be as transparent as possible, in situations in which the identification of sources would expose them or others to unacceptable safety risks, it has withheld identifying information and placed the relevant evidence in United Nations archives, along with other relevant documents.

6. In the interest of impartiality and fairness, the Group has endeavoured to make available to relevant parties, where appropriate and possible, any information about actions for which those parties could be cited, for their review, comment and response within a specified deadline. In order to further uphold the principle of the right of reply, and in the interest of accuracy, the Group stated in its interim report of June 2011 (S/2011/345) its readiness to annex to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any necessary amendments regarding assertions already published in earlier reports. In annexes VI to X to the interim report, the Group provided assessments along those lines.

C. Cooperation with States and organizations

7. During its current mandate, the Group met with officials of the Government of the Democratic Republic of the Congo, including the Vice Prime Minister and Minister of the Interior, presidential security advisers, the President's Special Envoy and the Permanent Representative of the Democratic Republic of the Congo to the United Nations, as well as numerous provincial and local authorities in North Kivu,

South Kivu and Orientale Province. The Group has also met with representatives of Belgium, Brazil, Burundi, China, France, Germany, Kenya, Malaysia, Rwanda, South Africa, Uganda, the United Arab Emirates, the United Kingdom, the United Republic of Tanzania and the United States. In addition, the Group is in close contact with the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime, the International Conference on the Great Lakes Region and the Organization for Economic Cooperation and Development (OECD). The Group has also exchanged information with the members of the groups or panels of experts on Somalia, the Sudan, Côte d'Ivoire and Libya. A list of organizations consulted is provided in annex 3.

8. The Group wishes to thank those Member States that responded in writing to requests for information, notably Kenya, Nigeria, Rwanda, the United Arab Emirates and the United Kingdom. The Group also wishes to express gratitude to those Member States that hosted the Group's fact-finding missions: Belgium, Burundi, France, Kenya, Malaysia, Rwanda, South Africa, Uganda, the United Arab Emirates, the United Kingdom, the United Republic of Tanzania and the United States. Finally, the Group wishes to express its thanks to the Government of the Democratic Republic of the Congo for its extensive cooperation.

9. The Group gratefully acknowledges the enhanced information-sharing and logistical and administrative support that it received from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in the course of this mandate, pursuant to paragraphs 13 and 17 of resolution 1952 (2010).

II. Political and security context

Regional developments

Sudan and South Sudan

10. Following the referendum held in January 2011, South Sudan became independent, on 9 July 2011. Although the National Congress Party (NCP) and the Sudan People's Liberation Movement-North signed an agreement in June, fighting erupted repeatedly in border areas, including South Kordofan and Blue Nile.

11. Fighting also continued in the disputed Abyei region, where, in June 2011, the Security Council authorized the deployment of 4,200 Ethiopian troops for six months. The Sudanese army has been accused of arbitrarily killing civilians in these areas.

Burundi

12. Rights groups have reported more than 100 extrajudicial killings in Burundi since May 2011; victims have included members and supporters of the Forces nationales de libération (FNL). While a series of attacks have raised fears of a new insurgency, the Burundian authorities have continued to attribute the violence to "bandits". In September 2011, gunmen attacked a bar in Gatumba, killing 36. Official and media sources indicated that FNL had been responsible for the attack.

Rwanda

13. In January 2011, a Rwandan military court sentenced in absentia the former army Chief of Staff Faustin Kayumba Nyamwasa and the former head of military intelligence Patrick Karegeya to 24 years in prison for desertion, threatening State security and propagating ethnic division. In June 2011, Rwandan police announced that six "terrorists" funded by Kayumba Nyamwasa and the former Minister of Defence Emmanuel Habyarimana had been arrested for plotting attacks in Rwanda. During the same month, media sources in South Africa reported the alleged presence of "Rwandan death squads" dispatched to South Africa to assassinate Kayumba Nyamwasa.

14. President Yoweri Museveni of Uganda arrived in Kigali on 29 July 2011 for a four-day State visit to Rwanda. President Museveni and his Rwandan counterpart, Paul Kagame, agreed to enhance the relationship between the two countries, exchange visits and fast-track regional integration. Subsequently, on 1 August, President Museveni departed for South Africa to engage in talks with President Jacob Zuma.

15. The trial of Victoire Ingabire, leader of the Brussels-based United Democratic Forces (FDU), began in Kigali on 5 September 2011. Ingabire was arrested in Rwanda in October 2010, and was charged, together with four co-defendants, with supporting a terrorist group (the Forces démocratiques de libération du Rwanda (FDLR)), planning to cause State insecurity, and divisionism.

Uganda

16. President Yoweri Museveni and his ruling party, the National Resistance Movement, secured an overwhelming victory in the presidential and parliamentary elections in February 2011. Subsequent "walk-to-work" protests over high prices led to arrests of opposition leaders and police violence.

17. The Ugandan shilling fell to all-time lows in July 2011, notably after the Governor of the central bank had criticized President Museveni for failing to replenish reserves after using central bank funds in the amount of $720 million to finance the purchase of Sukhoi Su-30 fighter jets. The amount corresponds to at least six aircraft, although no official number was provided.

18. On 14 July 2011, the Ministers of Defence of the Democratic Republic of the Congo and Uganda met to follow up on their meeting of 17 March 2011, in Kasese, Uganda, to discuss the operations against the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF) in the Democratic Republic of the Congo.

19. During a one-day visit to Mogadishu in September 2011, the Minister of Defence of Uganda, Crispus Kiyonga, reiterated that Uganda and Burundi were planning to send an additional 3,000 troops to combat the Al-Shabaab rebel group within the framework of the African Union Mission in Somalia.

Angola

20. On 4 August, Angolan armed forces clashed with rebels allied with the Frente de Libertação do Enclave de Cabinda in Tshela territory, Bas-Congo. The same day, President Joseph Kabila paid a short working visit to Luanda, where he met with his Angolan counterpart, José Eduardo dos Santos.

21. This visit followed a series of border incidents, including the condemnation in July 2011 by the provincial authorities of Bas-Congo of the reported presence of Angolan ships in an oil area of the Democratic Republic of the Congo, and an exchange of fire across the Kwango River on 9 June 2011 between troops stationed in Tembo, on the Congolese side, and Katodi, on the Angolan side.

22. Following a tripartite meeting held in Kinshasa among Angola, the Democratic Republic of the Congo, and the Office of the United Nations High Commissioner for Refugees (UNHCR) an agreement was reached on 8 June 2011 for the voluntary return of 43,085 Angolan refugees living in the Democratic Republic of the Congo. Meanwhile, expulsions of Congolese nationals from Angola continued, with more than 65,000 expelled during 2011. The Governor of the diamond-rich north-eastern Lunda Norte Province of Angola stated in August 2011 that his country was working with LR Group Limited of Israel to increase security along the border with the Democratic Republic of the Congo.

Relations between the Congo and the Democratic Republic of the Congo

23. On 15 April 2011, President Sassou Nguesso of the Congo met President Kabila in Kinshasa. This visit followed the recall to Kinshasa of the Ambassador of the Democratic Republic of the Congo to Brazzaville, as a result of the tensions caused by Kinshasa's demands for the extradition of Udjani Mangbama, the alleged leader of the Enyele rebellion, and General Faustin Munene of the Armée de résistance populaire (ARP).[3] These tensions had been exacerbated by the accusations made in the Kinshasa media about the alleged arrival from Brazzaville, in the hours preceding the attack on the residence of President Kabila on 27 February 2011, of the armed men responsible for the attack. The extraditions of both Udjani and General Munene have yet to take place.

Central African Republic (Lord's Resistance Army)

24. Small bands of rebels and ex-rebels continue to operate in the northern and eastern parts of the Central African Republic. A number of particularly deadly clashes occurred in September 2011 between the rebels of the Convention des patriotes pour la justice et la paix and the former rebels of the Union de forces démocratiques pour le rassemblement. Some of the fighting took place in the diamond-rich area of Bria. On 28 September 2011, the Government in Bangui announced that a ceasefire had been reached and that negotiations were under way. Both groups are active where LRA also operates and have clashed with it in the past.

25. Meanwhile, reports indicated that in July 2011, LRA leader Joseph Kony had ordered his elements to regroup in the Central African Republic, causing most of LRA to leave the Democratic Republic of the Congo. An LRA presence has also been reported in Western Bahr al-Ghazal State of South Sudan and, possibly, in South Darfur. However, it bears noting that, according to the Office for the Coordination of Humanitarian Affairs, the number of attacks attributed to LRA in the Democratic Republic of the Congo has decreased in recent months, and that during the same period there have been very few reported LRA attacks within the Central African Republic.

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[3] S/2011/345, paras. 46-47.

26. In a communiqué dated 27 September 2011, the African Union Peace and Security Council expressed deep concern at the continuing criminal activities of LRA and their devastating effects on local populations in the Democratic Republic of the Congo, South Sudan and the Central African Republic, as well as on regional security and stability.

27. The Peace and Security Council also commended the steps taken in pursuance of African Union decisions, including the joint technical assessment mission involving experts from the African Union Commission and the member States affected by LRA activities, conducted from 16 March to 5 April 2011; and the second regional ministerial meeting on LRA, held in Addis Ababa on 6 and 8 June 2011.[4] On 30 June and 1 July 2011 in Malabo, at a meeting of its Assembly of the Union, the African Union endorsed further initiatives with regard to the development of a regional approach to addressing the LRA issue.

Trials of leaders of the Forces démocratiques de libération du Rwanda

28. Pretrial hearings in Callixte Mbarushimana's case before the International Criminal Court were conducted from 16 to 21 September 2011 at The Hague. Mbarushimana, former Executive Secretary of FDLR, is charged with five counts of crimes against humanity and six counts of war crimes, which were allegedly committed in 2009 in the Kivu provinces. He denies involvement in any crime.

29. The trial of Ignace Murwanashyaka, head of FDLR, and his deputy Straton Musoni (the former designated for targeted sanctions since the inception of the sanctions list on 1 November 2005,[5] and the latter designated on 29 March 2007[6]), commenced in Stuttgart, Germany, on 4 May 2011. The two men are charged with 26 counts of crimes against humanity and 39 counts of war crimes. They are accused of ordering militias to commit mass murder and rape between January 2008 and the date of their arrest, 17 November 2009.

Events in the Democratic Republic of the Congo

Elections

30. Preparations continued for the presidential and legislative elections scheduled for 28 November 2011, with the promulgation of the Electoral Law in June 2011, the completion of voter registration in July and the final publication of the list of candidates in September.

31. According to provisional figures of the Independent National Election Commission, 32 million voters were registered. Eleven individuals have declared their candidacies for the presidential elections, including Etienne Tshisekedi, a veteran opposition leader; Vital Kamerhe, a former ally of President Kabila; and President Kabila. Some 19,000 candidates registered for the 500 seats in the National Assembly, among them Sheka Ntabo Ntaberi, leader of the Mai Mai Sheka group, in Walikale territory.[7]

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[4] The first regional ministerial meeting on LRA was held in Bangui on 13 and 14 October 2010.

[5] See http://www.un.org/News/Press/docs/2005/sc8546.doc.htm.

[6] See http://www.un.org/News/Press/docs/2007/sc8987.doc.htm.

[7] S/2011/345, paras. 33-45; S/2010/596, paras. 34-43 and 203 and box 4; and S/2009/603, para. 220.

32. The opposition has expressed doubts as to the validity of the registration process and has requested an audit of the database of the Independent National Election Commission. In September 2011, media sources, quoting a report from the Belgian company contracted to clean voter records and issue biometric voter cards, suggested that up to 700,000 registered voters appeared twice in the system, compared with 119,000 double registrations identified by the Commission, according to its President, Pasteur Daniel Ngoy Mulonda (S/2010/596, box 1).[8]

33. MONUSCO documented 45 elections-related incidents involving the targeting of political opposition members and activists, journalists and human rights defenders, and 84 allegations of human rights violations linked to the electoral process.

34. Early in September 2011, the Governor of Kinshasa Province imposed a five-day ban on political protests, after a series of incidents in the capital. Supporters of Etienne Tshisekedi's opposition party, the Union pour la démocratie et le progrès social (UDPS), clashed with the police on 6 September after they had accused members of the ruling Parti du peuple pour la reconstruction et la démocratie (PPRD) of torching their headquarters. One person was shot dead and several were wounded. Government officials said the attack on UDPS offices may have been retribution for a similar attack carried out on a branch office of PPRD the preceding day. Subsequently, alleged PPRD supporters also set fire to the facilities of a television station owned by a UDPS supporter. Officials of both UDPS and PPRD have accused each other of maintaining armed militias.

Military operations

35. The Forces armées de la République démocratique du Congo (FARDC) reorganized into regiments, reducing military pressure on armed groups, including FDLR, whose repatriation rate decreased. Defections have continued to be reported, however, as the rejection of a relocation deal[9] by the FDLR leadership in August 2011 created internal tensions.

36. The "regimentation" process was marred by delays and frustration over perceived preferential treatment of former members of Congrès national pour la défense du peuple (CNDP), leading to more defections. In June and July 2011, some 150 FARDC elements reportedly defected from the Kanyola assembly centre. Some of these deserters, led by Lieutenant Colonel Niragire Karibushi Kifaru, have been accused of raping as many as 170 women in South Kivu in June.

37. Overall, the reorganization of FARDC has resulted in a deterioration of the security situation in the Kivus, allowing armed groups such as ADF to consolidate their presence in the Beni and Lubero territories of North Kivu, and Mai Mai Yakutumba (Forces armées alléluia) to expand their operations in Fizi territory, South Kivu. The latter group, which collaborates with the FNL elements in Burundi, has seized several vessels and imposed taxation on Lake Tanganyika near the border with Burundi and the United Republic of Tanzania.

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[8] A certain proportion of double registrations is normal.

[9] S/2011/345, para. 37.

Ituri

38. At the International Criminal Court in The Hague, the trial against Thomas Lubanga is coming to an end. The closing statements by the prosecution and the defence were made on 25 and 26 August 2011. Meanwhile, the cases against Mathieu Ngudjolo and Germain Katanga are ongoing and received much attention when former warlords Floribert Njabu, Pierre Célestin Pitchou, Sharif Manda and Mateso Ndinga travelled to The Hague on 27 March 2011 to give their testimonies. The trials are a sensitive issue for both Kinshasa and the people of Ituri.

III. Foreign armed groups

39. The Group has investigated the financing, logistics, weapons procurement, recruitment practices and material support with regard to the ADF, LRA, FDLR and FNL rebel groups present on Congolese territory. The Group has found that these foreign armed groups benefit extensively from the trade in natural resources and from collaboration with the local populations or Congolese armed groups, and that they continue to recruit throughout the Great Lakes region.

40. Foreign armed groups have received greater cooperation from local businessmen and traders, owing in part to popular discontent with the process of integrating former members of CNDP into FARDC. Furthermore, the Group has found that foreign armed groups are not preparing to disrupt local elections in the Democratic Republic of the Congo, but rather are seeking to benefit from any additional support that they can muster during a post-electoral scenario plagued by violence.

A. Allied Democratic Forces

41. ADF is a Ugandan Islamist rebel force whose presence has been reported in the Beni territory of North Kivu Province since 1995. According to most ex-combatants interviewed by the Group and MONUSCO, the overall objective of ADF is to overthrow the Government of Uganda and to place a Muslim in power. Two ADF officers who deserted early in 2011 spoke of establishing the Rwenzururu Kingdom in the name of the Supreme Chief of both the Banande (Democratic Republic of the Congo) and Bakonjo (Uganda) tribes, which live near Mount Rwenzori and speak the same language. For their part, sources within the Ugandan army, the Uganda People's Defence Forces (UPDF), have argued that the overall objective of ADF extends beyond Uganda and includes all of East Africa.

42. ADF is a highly secretive organization without a traditional military ranking system, but the Group has confirmed that Jamil Mukulu remains its supreme commander. According to Ugandan intelligence officers, Mukulu is responsible for the strategic and ideological direction of the rebel group as well as for overseeing extensive financial support networks. Both FARDC and UPDF sources have indicated that the ADF operational commander on the ground in the Democratic Republic of the Congo is David Lukwago,[10] supported by intelligence chief

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[10] Lukwago also reportedly uses the aliases "Hook", "Ashraf" and "Rashid".

Benjamin Kisonkornye. The highest-ranking Congolese commander is named Braida.

43. According to UPDF, Chuchubo has replaced Nadui as the site of the new headquarters of ADF in Beni territory. Mwalika, south of the main road from Beni to Kasindi, remains the location of the principal training centre (see annex 4), although some training is now conducted at Nadui. Taking advantage of the regimentation process, ADF has become increasingly mobile, often changing positions during the course of 2011 and even seeking to make inroads in Ituri, according to FARDC sources.

Recruitment

44. Currently, ADF is estimated to have approximately 1,000 combatants. According to UPDF, in 2011 the rebels have recruited more than 200 new combatants in the Democratic Republic of the Congo, Uganda, Kenya, Burundi and the United Republic of Tanzania. Ex-combatants and UPDF sources indicate that ADF has significant clandestine support in Uganda that facilitates recruitment. The Group interviewed four recent ADF recruits from eastern Uganda, where there is more fertile ground among the Muslim population, historically sympathetic to the Ugandan political opposition. These combatants recounted having been brought by couriers across the border to training camps to join more than 70 other new recruits. ADF cells in Goma, North Kivu, have also facilitated the travel of new recruits. The Semliki River is a principal conduit for new recruits (see annex 5). United Nations observers reported that three fishermen had been abducted along the river in July 2011 and had been forced to work on boats for ADF before being released.

45. The Group has also confirmed sporadic ADF efforts to recruit in Burundi. The Group interviewed a Burundian child soldier who had been recruited from Bujumbura by a Ugandan imam who had recently arrived to send Muslim young people to the Democratic Republic of the Congo to join the rebels. Burundian intelligence officers informed the Group that on 9 July 2011, they had arrested three men recruiting for ADF in the city of Rumonge, Bururi Province. UPDF reported to the Group that ADF is also recruiting in the United Republic of Tanzania, as one former combatant who had turned himself over to MONUSCO claimed to be a Tanzanian citizen. Finally, according to the same sources, ADF is also targeting Somali refugees in Kenya. MONUSCO staff members claimed to have witnessed the arrival of Somalis on trucks in Erengeti in 2010.

Training

46. According to ex-combatants, during initial training at the Mwalika camp that is often conducted by a Ugandan Muslim commander named Amir, ADF fighters are taught courses on the basic handling of weapons and on English, Arabic and Swahili for four months. However, after a MONUSCO aerial reconnaissance mission conducted early in 2011, a second mission, conducted in June 2011, observed that Mwalika had been divided into a number of smaller camps.

47. While previously ADF forced all of its recruits to convert to Islam, it no longer obliges Christian recruits to study the Qur'an. According to ex-combatants, however, Christian commanders are rarely promoted. Furthermore, ADF has female combatants, as FARDC officers have witnessed in recent battles.

48. While ADF has had foreign trainers in the past,[11] UPDF sources report that there have been no such delegations in 2011. However, local Congolese intelligence agents near Mutwanga reported to the Group that they had obtained information about foreigners near Nzelube who were accompanying an ADF unit. FARDC had also sighted foreign instructors in the general area of Kamango, only 15 km from the Ugandan border.

49. Although it was not confirmed in interviews with ex-combatants, Ugandan intelligence sources conveyed to the Group their belief that ADF had received bomb-making training from the Somali rebel group, Al-Shabaab. UPDF sources also claimed that ADF had collaborated in the 11 July 2010 bombing in Kampala, alongside individuals who have been identified as belonging to the ranks of Al-Shabaab. The Group was unable to interview those involved in this attack and cannot substantiate these claims.

Operations of the Forces armées de la République démocratique du Congo

50. The Rwenzori operations of FARDC, which began in June 2010, managed to dislodge ADF from many of its long-standing camps, most notably the Nadui camp, located east of Erengeti in Beni territory (see annex 6). However, during 2011 the rebels have implemented an aggressive strategy, pre-empting any subsequent operations with attacks on FARDC positions, through which they have regained control over all of their previously lost camps, including Nadui. According to MONUSCO staff, ADF has fought hard to control its old positions owing to the important arms caches that it maintains in each of them.

51. Prior to the start of a fourth phase of operations scheduled for 30 April 2011, according to FARDC officers, ADF ambushed FARDC at Makayova, killing three army soldiers and injuring 21. When word of another round of potential operations reached ADF, the rebels attacked FARDC positions east of Erengeti on 1 July at Chuchubo and Makembi, where they killed nine FARDC soldiers, according to intelligence officers. United Nations observers indicate that ADF again attacked FARDC on 29 July at Bilimani and recovered large amounts of ammunition. FARDC was able to regain control over these villages only on 3 August, after three failed counteroffensives.

52. In addition to pre-empting operations, ADF has begun to assassinate individuals whom it believes to be collaborating with FARDC. According to local leaders in Erengeti, on 30 July six members of a family were killed at Apatonga village for this reason. The local population of Beni territory is largely opposed to operations against ADF, following the failure and negative humanitarian consequences of the Rwenzori operations. Furthermore, UPDF claimed that business leaders working with ADF have also been outspoken against operations. Local leaders told the Group, "If the FARDC could eliminate them, they should just stay where they are." Moreover, popular support for ADF has increased since the deployment of ex-CNDP commander Colonel Eric Ruhorimbere as 81st sector Commander of FARDC in Beni (see para. 249 below). According to local intelligence officers, the leaders of the ethnic Nande community have stated that the population must support ADF in order to counter the expansion of Hutus and Tutsis into Beni territory.

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[11] S/2010/596, para. 111.

53. MONUSCO has played a limited role in operations against ADF, beyond leading the Joint Coordination Centre, established early in 2011 to facilitate exchange of the information among the Mission, FARDC and UPDF intelligence officers deployed to Beni. When the Group visited Beni in August 2011, the United Nations was considering closing down the Centre. For its part, UPDF would like to conduct operations against ADF, but would need clear support from the authorities of the Democratic Republic of the Congo in order to do so.

Jamil Mukulu

54. Throughout its mandate, the Group has sought to investigate the activities and whereabouts of ADF Supreme Leader Jamil Mukulu since his departure from the Democratic Republic of the Congo at the beginning of 2011, according to ex-combatants. The United Kingdom confirmed to the Group that Mukulu's wife and a close male family member were living outside London early in 2011. However, no known aliases provided by the Ugandan authorities have been registered in any United Kingdom immigration databases (see annex 7), although Mukulu has travelled to the United Kingdom (see annex 8). Ugandan authorities shared with the Group copies of the passports of Mukulu's children who currently reside in Belize.

55. Other UPDF sources have indicated that Mukulu has travelled by road throughout East Africa and the Middle East. According to Ugandan intelligence sources, Mukulu is purported to have houses in Burundi, Kenya, Rwanda and the United Republic of Tanzania. In August 2011, East African anti-terrorist agents informed the Group that one of Mukulu's homes had been raided by Kenyan authorities in Nairobi, accompanied by UPDF representatives. Kenyan authorities captured Hassan Mukulu, one of Jamil's sons, during the raid. On 13 October 2011, the Committee added Jamil Mukulu to its list of individuals designated for a travel ban and an asset freeze.[12]

Arms and ammunition

56. According to ex-combatants, ADF maintains significant numbers of rocket-propelled grenades and AK-47 assault rifles. Ex-combatants informed the Group that ammunition boxes are held in guarded stocks in each camp and distributed only before operations. UPDF claims that ADF also maintains anti-aircraft weapons to counter potential helicopter attacks. In addition, UPDF sources confirmed information, received by the Group through local leaders, that when ADF had re-taken Nadui and Makayova camps from FARDC, they had recovered large amounts of ammunition and arms, including many rifles, 60mm mortars and other heavy weaponry that FARDC had abandoned during the combat. In FARDC video footage obtained by the Group of the ADF camp at Nadui, an intricate system of underground tunnels is visible; FARDC officers claim that it was used for arms caches (see annex 9). The rebels have also obtained new FARDC camouflage uniforms, which, according to civilian intelligence agents, were purchased from the wives of soldiers. FARDC officers who arrived in Nadui in 2010 discovered a helicopter pad, although UPDF sources indicate that it has not been used for supplies of weapons and ammunition since 2009.

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[12] See http://www.un.org/News/Press/docs/2011/sc10410.doc.htm.

Exploitation of natural resources

57. Controlling vast forests in the foothills of Mount Rwenzori, ADF has historically benefited financially from the timber trade in Beni territory. According to local leaders in Erengeti, ADF taxes chainsaws in their area of control at a rate of $200 per year. ADF also punishes the use of "unauthorized" chainsaws with fines of up to $500, according to FARDC sources. Local sources in Erengeti claim that even some FARDC officers pay these taxes in order to send their chainsaws into ADF territory. According to Congolese park authorities, ADF has threatened rangers who venture into areas where they may be exploiting timber in the northern zone of Virunga National Park.

58. FARDC officers deployed to the Nadui camp of ADF in 2010 testified to having seen large amounts of sawdust generated by chainsaws, indicating that the rebels may be directly involved in felling trees and cutting wooden planks. While the Group obtained a document in the possession of Jamil Mukulu dating from 2005 outlining a timber deal, it was not able to identify current foreign timber traders working directly with ADF (see annex 10). UPDF told the Group that only Congolese Muslims who cooperated with the rebels in the timber trade were allowed to send their trucks into ADF-controlled zones. According to FARDC intelligence sources, a significant portion of the wood exports of ADF itself passes through Nobili crossing, north of Mount Rwenzori, and only 7 km from the ADF stronghold of Kamango. According to United Nations and humanitarian sources in Beni, the local chief of Kamango, Saambili Bamukoko, has been a long-standing collaborator with ADF in the timber business.

59. Although the precious metal is much less significant than timber, ADF also controls several small gold mines. FARDC sources stated that the rebels tax local miners an estimated 1,000 Congolese francs[13] per week per person. According to United Nations, FARDC and local sources, ADF currently controls the small gold mines in Kaynama, near the Semliki River, in Kikingi and at multiple sites surrounding Chuchubo, east of Erengeti. All gold production taxed by the rebels is initially sold in Beni and Butembo and subsequently sold in Kampala and beyond.

Foreign financing

60. According to Ugandan intelligence agents, since he underwent training in Afghanistan and Pakistan in the 1970s, Jamil Mukulu has maintained contacts with many jihadist movements throughout Africa, the Middle East and Europe. UPDF intelligence officers have stated to the Group that Mukulu has used these contacts not only to obtain direct financial contributions for ADF, but also to establish partnerships in income-generating business ventures. While Nairobi has served as the hub of ADF economic and financial activities, UPDF maintains that Mukulu has benefited extensively from a support cell based in the city of Tanga in the United Republic of Tanzania, where he has travelled frequently with a Tanzanian passport (see annex 11).

61. The profits from these ventures are eventually transferred to combatants in the Democratic Republic of the Congo. In 2010, two individuals, Donatien Kambale

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[13] As at 17 October, the date of the submission of the Group's final report, the official exchange rate between the Congolese franc and the United States dollar was 910 to 1. For the remainder of the present report, financial amounts will appear in their original form.

Manzame and Mbambu Sirimirwa Abigail, were arrested in Beni for having facilitated money transfers to ADF amounting to more than $10,000 per month, according to UPDF.[14] Ugandan officials and ex-combatants informed the Group that money transfers organized by Mukulu now pass through Kampala and are brought by couriers across the border into ADF territory. These contributions enable ADF to pay monthly salaries of about $100, according to UPDF members and ex-combatants interviewed by the Group. Shop owners in Mutwanga and Oicha confirmed that ADF often purchases in markets with Ugandan shillings or $100 bills.

62. During the raid on Mukulu's residence in Nairobi, large quantities of documents pertaining to the financing of ADF were obtained that should provide further clarification as to the origins of the group's current international financial sponsors. However, as of the time of reporting, the Group had not been able to gain access to any of the information regarding these financial networks obtained by the Ugandan authorities during this operation.

Other forms of local financing

63. ADF has sought to maintain positive relations with the local communities and is not known to pillage. According to FARDC officers deployed in Bulongo, ADF benefits from the popular support of nearly half of the population of Beni territory. This in turn has facilitated the establishment of widespread businesses operated by Congolese collaborators who provide the monthly shared revenue to their ADF sponsors. According to FARDC intelligence officers and local leaders, ADF has many motorcycles, trucks, pharmacies and shops operating for it in the towns of Beni, Oicha, Kasindi and Erengeti and even in the gold-trading town of Kantine.

64. However, ADF has been brutal in its treatment of those financial collaborators who betray it. According to Congolese security officials, after Eduard Nyamwisi, the brother of Minister of Decentralization Mbusa Nyamwisi, had stolen money from ADF as Mutwanga sector chief, ADF attacked his home on 28 June 2010 and killed eight people. In another case, according to United Nations sources in Beni, a doctor was kidnapped on 1 July in Oicha by men disguised in FARDC uniforms who demanded $56,000 for his release. UPDF later confirmed to the Group that while the doctor was now treating sick and wounded members of ADF, the unprecedented ransom amount matched a debt that the doctor owed the rebels for the supply of medicine.

65. Moreover, throughout areas controlled by ADF, the rebels manage extensive plantations of rice, manioc, bananas and coffee. While the majority of this is for their own consumption, they also seek to sell some of their harvests in Beni or across the border in Uganda. As many local farmers work on these ADF-controlled plantations in exchange for a part of the yield, counter-insurgency strategies by FARDC impeding access across enemy lines are widely unpopular. ADF also forces herders from Ituri to sell their cattle for $100, nearly one sixth of the market price in Beni.

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[14] S/2010/596, para. 112.

B. Lord's Resistance Army

66. The Group confirmed earlier findings, published in its interim report,[15] that LRA was not involved in the illegal exploitation of natural resources, obtaining rations, medicine and military equipment through systematic pillaging attacks.

67. While there were a number of bold LRA attacks on FARDC positions in the beginning of 2011, the second half of the year has been relatively calm, most likely owing to a significantly reduced LRA presence in the territory of the Democratic Republic of the Congo. Late in June and early in July 2011, Kony gave written orders for all LRA units within the Democratic Republic of the Congo to meet up in the Central African Republic. The only unit that Kony directed to stay behind in the Democratic Republic of the Congo was the one that protects four of his wives. By August 2011, all other units, including the one commanded by Dominic Ongwen, the most senior LRA leader in the Democratic Republic of the Congo, had completed the move. LRA activity was noted in Western Bahr al-Ghazal State of South Sudan and in the border area with the Central African Republic. The Group does not know the motives for the move, although the Government of South Sudan has claimed that LRA received training and support from Khartoum. This has not been substantiated,[16] but the Group believes that the possibility of resumed Sudanese contact with LRA deserves to be monitored on an ongoing basis.

68. Keeping track of LRA movements, MONUSCO analysts expect LRA units that left the Democratic Republic of the Congo to return by the end of 2011. Meanwhile, UPDF continues to conduct operations against LRA, although it has progressively scaled down its presence in the Democratic Republic of the Congo. Relations between FARDC and UPDF have seriously deteriorated since late in 2010. The Group witnessed this first-hand in May, when it met with the FARDC Operation Rudia II Commander in Dungu, Colonel Bruno Mandevu, who made a series of unlikely accusations about UPDF supporting LRA and even posing as the rebels. Diplomatic sources in Kampala told the Group that Uganda had sought to have Colonel Mandevu replaced. By September 2011, relations had clearly not improved as the UPDF commander in the Democratic Republic of the Congo, Colonel Joseph Balikuddembe, decided to withdraw his troops from Bangadi after persistent tensions with FARDC.

C. Forces démocratiques de libération du Rwanda-Forces combattantes Abacunguzi

69. The Forces démocratiques de libération du Rwanda-Forces combattantes Abacunguzi (FOCA)[17] remain the most politically significant and militarily powerful armed group in eastern Democratic Republic of the Congo. The Group has investigated the local commercial activities, arms procurement practices, internal cohesion and international support networks of FDLR, with a particular focus on

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[15] S/2011/345, para. 31.

[16] The last time a confirmed meeting between LRA and the Sudanese Armed Forces (SAF) took place was in October 2009, but it appears that on that occasion SAF refused to provide LRA with weapons; see S/2010/596, para. 107.

[17] The present report refers to FOCA to distinguish FDLR forces from other splinter groups as well as in reference to the headquarters command under the leadership of General Sylvestre Mudacumura.

European-based support, as well as links between Rwandan political opponents and the movement.

70. There are serious internal tensions within FDLR, stemming mainly from General Sylvestre Mudacumura's poor leadership and his hard-line approach to internal decision-making and strategy. Since the arrests of FDLR leaders in Europe, the group's political representatives have gone into hiding, although telephone logs show ongoing communications between senior commanders in the Kivus and contacts abroad. Most financing of FDLR comes from the trading of commercial products in mining areas of eastern Democratic Republic of the Congo under its control, in addition to taxation and sales of cash crops such as palm oil and cannabis.

Strength

71. MONUSCO statistics show a slowing in the rate of repatriation among the members of FDLR. During 2010, MONUSCO repatriated an average of 86 FDLR combatants per month; during the first nine months of 2011, the rate fell to 64 combatants per month. These statistics do not take into account FDLR deserters who have remained in the Democratic Republic of the Congo, fled to other African countries or joined splinter groups that rob transporters and miners. MONUSCO estimates that FDLR-FOCA combatants do not exceed 3,000 in number, while Rwandan intelligence services presented the Group with a figure of 4,355, including more than 2,000 in South Kivu alone (see annex 12).

72. Ex-FDLR combatants confirm that recruitment and basic training for new inductees continue. There are four training centres within the reserve brigade, the two division headquarters and FOCA headquarters, which have the capacity to process up to 150 recruits per year per centre. Each battalion is instructed to conduct recruitment efforts whereby, according to ex-combatants, it may be able to integrate more than 20 new combatants every three months. While the recruitment has targeted primarily Rwandan refugees' children living around and guarded by FDLR, the same sources indicate that recruits from Rwanda and Uganda, particularly from the Nakivale refugee camp,[18] are also making their way into the rebel ranks. While these recruits cannot replace an increasingly depleted officer corps, Montana battalion commander "Lieutenant Colonel" Evariste "Sadiki" Kwanzeguhera[19] has reportedly recruited Rwandan youths with high school diplomas who could eventually be formed as lieutenants. Several former combatants told the Group that, despite directives to the contrary, battalion commanders widely accept new recruits younger than 18.

International political support

Impact of arrests in Europe

73. The Group has previously investigated the impact of the arrests of foreign-based political leaders Ignace Murwanashyaka and Straton Musoni. It has continued such efforts with regard to the arrest of former FDLR executive secretary Callixte

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[18] The Group requested to visit Nakivale refugee camp but had not received a response as of the time of reporting.

[19] S/2010/596, para. 146.

Mbarushimana[20] on 11 October 2010 by the French authorities, acting on a sealed International Criminal Court warrant dated 28 September 2010. The trial for Musoni and Murwanashyaka began in 4 May 2011 in Stuttgart, Germany. During public hearings, individuals present reported to the Group that lengthy e-mail exchanges were shared detailing both Musoni's and Murwanashyaka's in-depth knowledge and awareness of the tactics and abuses employed by FDLR combatants in eastern Democratic Republic of the Congo. In reaction to these judicial proceedings, according to former officers repatriated to Rwanda this year, FDLR has established a judicial commission mandated to gather and transmit evidence for the defence in zones where FDLR has been accused of carrying out mass human rights abuses.[21]

74. As previously noted,[22] the Group has continued to observe an expansion of military power within FDLR as a consequence of the arrests of its foreign-based civilian political leadership. "General" Gaston "Rumuli" Iyamuremye[23] assumed the position of second vice-president and had replaced Murwanashyaka as president of FDLR as of July 2010. At the same time, "Lieutenant General" Sylvestre Mudacumura[24] replaced Musoni as first vice-president while maintaining his role as FOCA commander. Early in 2011, Colonel Laurent "Rumbago" Ndagijimana replaced Mbarushimana in his role as executive secretary of FDLR. While these positions have been described to the Group as interim designations, former combatants recently deployed near FOCA headquarters stated that the five-year term of each would be allowed to be completed before a vote regarding the movement's political leadership came up again in 2015. Former officers familiar with the personalities of the officers in question claim that they were likely relieved to have to depend less on decision-making from abroad.

75. Further illustrating the militarization of FDLR is the current leadership of its "executive committee". Composed of 15 members, the executive committee is the principal mechanism for civilian input into FDLR strategic decision-making. While during Murwanashyaka's leadership the committee had always been exclusively civilian, Iyamuremye has appointed three senior military officers to head the body. Furthermore, even moderates within the movement, such as FOCA deputy commander "General" Stanislas "Bigaruka" Nzeyimana,[25] have been progressively marginalized by Mudacumura and Iyamuremye.

76. For many officers, the military pressure exerted against FDLR in recent years has heightened these internal tensions among the officer corps, and Mudacumura is increasingly unpopular except among the members of a small hard-line core group. Satellite telephone records demonstrate that, during the six-month period analysed by the Group, Mudacumura, on his only known satellite telephone number, made just 314 text or voice communications, mostly to his wife in Belgium, compared with Nzeyimana's 1,686 communications during the same period (see annex 13). Furthermore, Mudacumura's preferential treatment of officers from northern

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[20] Designated by the Committee for sanctions on 3 March 2009; see http://www.un.org/News/Press/docs/2009/sc9608.doc.htm.

[21] The five-member commission is led by FOCA cabinet director Jean Marie-Vianney Nyawenda and includes the executive secretary of the High Command, "Colonel" Niyirora Elegen.

[22] S/2010/596, para. 76.

[23] Designated by the Committee for targeted sanctions on 1 December 2010.

[24] Designated by the Committee for targeted sanctions on 1 November 2005.

[25] Designated by the Committee for targeted sanctions on 3 March 2009.

Rwanda to the detriment of those from the south continues to plague the organization.

77. Many ex-combatants claimed that the arrest of Mbarushimana had led to demoralization within the movement, because they now felt that they were unrepresented internationally and lacked a viable lobby to change international diplomatic opinion about their political demands. On the other hand, as previously found in the case of Murwanashyaka, some combatants stated that they had never felt that they had benefited much from these leaders. Nevertheless, all ex-combatant officers consulted by the Group had been encouraged by the United Nations "mapping report"[26] released in October 2010, which detailed massacres and abuses that they and their families had for so long claimed to have survived.[27]

Regional/international liaison and support

78. FDLR is increasingly isolated from international support networks. Regionally, ex-combatants have confirmed that external FDLR liaison antennas, which are so critical for logistics and political lobbying with neighbouring Governments and which previously existed in Kigoma, Bujumbura and Kampala, have all disappeared in recent years. Therefore, with a few exceptions, apart from antennas near the Congolese borders with Uganda and Burundi (see paras. 107-110 below), FDLR no longer has free movement and access to neighbouring ports and cities. While the Burundian rebels of FNL and Mai Mai Yakutumba have increased their dominance over traffic routes on Lake Tanganyika, the recent redeployment strategy of FDLR (see paras. 105 and 106 below) has left the movement with no access to what had once constituted a critical geographical asset.

79. FDLR continues to maintain regional committees, each comprising three or four countries, to support the movement. These exist throughout Africa, with one for Europe and another for North America. The regional committees are supposed to provide small contributions, conduct propaganda and carry out recruitment for the organization. Leading the regional committees are individuals who claim to be antenna officers and who are located in Brazzaville, Lusaka and Kampala. However, ex-combatants explain that this support is more symbolic than financial, as the only money transfers that FDLR receives originate nearly exclusively from family members. According to one former senior officer, when Mudacumura was presented with an offer of financial support from someone in Lusaka, he reportedly refused for a lack of candidates whom he could trust to bring back the funds and not take advantage of the movement by deserting and fleeing with the money.

80. Despite a diminished role for the diaspora leadership, senior officers in the Kivus continue to communicate regularly with contacts throughout Africa and Europe, according to call logs obtained by the Group relating to 21 satellite telephone numbers of high-ranking FDLR officers, for the period March-August 2011. During this six-month period, FDLR president Iyamuremye communicated with four contacts in Belgium on 28 separate occasions, with two contacts in France on 13 occasions, with one contact in Norway on nine occasions, with one contact in

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[26] See http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/RDCProjetMapping.aspx.

[27] According to serving high-ranking officers interviewed by the Group in Walikale territory, full printed copies of the report have been circulated among most battalions. However, some high-ranking FDLR combatants expressed their disappointment at a perceived lack of follow-up to the report.

the Congo on 22 occasions, and with one contact in the Netherlands on three occasions. Nzeyimana communicated with the above Norwegian number 116 times during the same period. Four high-ranking officers, Mudacumura, Iyamuremye, Kwanzeguhera and Nzeyimana, communicated with one particular individual in Belgium a collective total of 283 times between March and August 2011.

81. According to many ex-combatants, the European leaders of FDLR have become more clandestine and most high-ranking officers in the Kivus do not know their names. The only remaining high-level political leader currently residing outside Africa is Ruzindana Emmanuel, commissioner for political affairs and president of the High Council of Sages. However, ex-combatants told the Group that Ruzindana was no longer actively participating in FDLR. According to the structure of FDLR, political commissioners, equivalent to government ministers, report to the president. Given Iyamuremye's limited international communications, the Group has provided these Belgian numbers to Belgian authorities and is awaiting feedback.

82. According to these satellite telephone records, two high-ranking FDLR officers made six communications[28] with contacts in the Congo, five officers made 483 communications with contacts in Zambia, and five officers made 314 communications with contacts in Uganda.[29] The Group concludes that, while contact with family members is a reasonable explanation for some of these communications, the above-mentioned countries are the possible locations of the current political and commercial contacts of FDLR outside the Democratic Republic of the Congo and Rwanda.

Victoire Ingabire

83. In October 2010, Rwandan FDU-Inkingi political opposition leader Victoire Ingabire was arrested on charges of rebellion for planning activities aimed at causing State insecurity. She has been charged alongside "Lieutenant Colonels" Noel Habiyaremye and Tharcisse Nditurende, who were arrested in Burundi in December 2009. The former FDLR officers declared to Rwandan intelligence that Ingabire had provided them with funds while in Zambia in order to start a new rebel group against the Government of Rwanda. The Rwandan Government shared with the Group copies of five money transfers sent by colleagues of Ingabire (see annex 14).

84. Furthermore, the Government of Rwanda informed the Group of additional evidence implicating Ingabire in the creation of such an armed group, which is being held by the Government of the Netherlands. The Group has written to the Dutch authorities requesting permission to obtain confidential copies of such documents, and has been notified that a response will be forthcoming in a number of weeks. In the Group's interviews with both Habiyaremye and Nditurende, they reiterated their testimony regarding the money transfers, but clarified that they had both deserted FDLR years before their contact with Ingabire. They also insisted that the wire transfers had been intended to cover travel fees to meet with Ingabire and

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[28] Calls or text messages made or received.

[29] Communications between Iyamuremye and other political or financial supporters of FDLR may take place through e-mail, which high-ranking leaders have recently begun to use through personal laptops and USB wireless Internet keys. While the Group has identified known e-mail addresses of high-ranking FDLR cadres, it has not gained access to such communications, as a result of privacy laws in server host countries such as France.

that none of those funds had been intended to finance the creation of a rebel group. The trial in Rwanda of the three individuals began early in September 2011. Because Ingabire's case does not pertain to FDLR or active armed group activities in eastern Democratic Republic of the Congo, the Group did not consider it relevant to pursue extensive investigations into the allegations.

Local financing in the Democratic Republic of the Congo

85. In the light of the limited probability of foreign financing of FDLR, as described above, the Group investigated the movement's complex local financial relationships, activities and networks. All ex-combatants consulted by the Group agree that Operation Kimia II in 2009 dramatically disrupted FDLR commercial networks, allowing Congolese partners to seize considerable assets from the rebels. Nevertheless, FDLR has subsequently adapted well to the less aggressive Operation Amani Leo by turning to commerce and barter trade in remote mining areas lacking the presence of FARDC. The Group has found that properly conducted commercial activities in mining areas of the Kivus can generate more income than financial support from family members or diaspora members.

Commercial trade in mining zones

86. The Group visited an FDLR commercial zone, in Mutongo in Walikale territory, which is controlled by the Montana battalion. The battalion is led by "Lieutenant Colonel" Kwanzeguhera, who has delegated a large share of the responsibility for its economic activities to his chief liaison officer, Sergeant Major Séraphin "Lionso" Karangwa, who works directly in support of Nduma Defence for Congo (NDC)[30] (see para. 209 below). Karangwa confirmed to the Group his responsibility for overseeing 40 small teams deployed throughout the mines of Walikale territory, some of them up to two or three days away by foot. According to other ex-combatants from the Montana battalion, these liaison teams also ensured that diggers paid FDLR for security provision and preferential treatment as compared with other miners and traders. Karangwa also stated that he centralized all tax proceeds, often 10 per cent of the gold production, and delivered it to Kwanzeguhera personally.

87. According to local traders and former FDLR combatants, Kwanzeguhera has responsibility for the procurement of all ammunition and other military equipment, and official supplies for his battalion.[31] Within FDLR, battalion commanders often maintain large numbers of "escorts" to whom they give these profits and whom they instruct to purchase commercial merchandise to transport to and resell in the mines.

88. One of the principal mechanisms of revenue generation for FDLR is the trading of diverse merchandise in remote mining zones, usually with substantial markups. Alcohol, clothing, flour, salt, batteries, radios, solar panels and soap can all be sold in mines for enormous profits. For example, in Mutongo a pair of trousers can be purchased for $8, while in the mines it has a value of 1 g of gold, estimated at around $45. The Group documented numerous other price markups and profit margins for FDLR (see annex 15).

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[30] S/2010/596, paras. 39, 40 and 146.

[31] Food and daily livelihood are not the responsibility of FDLR commanders; combatants are invited to grow their own crops or to conduct personal commercial activities.

89. According to ex-combatants, Kwanzeguhera deals directly with Uganda-based businessmen and traders, who transport commercial products by road and foot to Mutongo in order to stock FDLR shops, in exchange for gold. In FDLR-controlled village of Maniema, near Mutongo, the Group spoke with several FDLR shop owners, who confirmed that nearly all of their products came from Uganda, through either Goma or Butembo (see annex 16). An analysis of Kwanzeguhera's Vodacom telephone calls between 19 May and 19 September 2011 attests to the battalion Commander's extensive business network, as he communicated with 161 different Congolese and Ugandan contacts (see annex 17), making more than 8,000 communications. Most of those who responded to the Group's calls were involved in the gold trade.

90. In the Kasuo market of southern Lubero, Colonel Amri Bizimana, alias "Dimitri", who led the "northern corridor" antenna of FDLR prior to his desertion, described to the Group how he and his 30 men would oversee deployments of FDLR traders to the mines in Fatua, Oninga, Nabombe, Rama and Buruku. As FDLR also controls the mines militarily, its traders are assured access, tax exemption and security guarantees. According to Bizimana, profits are so high in commercial activities involving Ugandan and Butembo-based businessmen that nearly all high-ranking commanders send their escorts to invest the resources of their own units or families.

91. For his part, Mudacumura earns revenues from "*Opération Retour*", meaning the funds that he receives from his battalion commanders' economic investments. All FDLR officers have to send part of their profits to FOCA headquarters. Ex-FDLR officers have described to the Group the breakdowns of standard quotas for profits from such operations. Twenty per cent is to be directed to each level: the company, battalion, division or brigade; FOCA headquarters; and the executive committee. Former close associates have claimed that Mudacumura himself maintains overall organizational funds of FDLR in gold.

92. Current FDLR senior commanders told the Group that they no longer conduct any mining activities themselves, but rather benefit only from the trade in merchandise in mining areas as described above. The Group notes, however, that the common currency in these mining zones is gold. In comparison with previous years, financing of FDLP through tin and tantalum ores has decreased, but remains in Luntukulu and Nziriba in western Walungu, in Miki and Kitope in the Itombwe sector of South Kivu, and in scattered locations in western Lubero in North Kivu. Nevertheless, splinter groups of FDLR continue to profit from the tin ore trade by robbing traders in places such as Shabunda territory.

Cannabis

93. The Group has found that FDLR also finances itself through the sale of cannabis grown in areas under its control. Cannabis cultivation and trade in Ikobo *groupement* in Walikale territory, North Kivu, is controlled in part by the Sabena battalion of FDLR, under the command of "Colonel" Byilingiliro Kalebu, alias "Gabi".[32] Suppliers purchase cannabis directly from farmers and then sell it to traders in markets in southern Lubero, such as Kanyabayonga, Kayna, Kirumba and

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[32] Combatants of the Ralliement pour l'unité et la démocratie (RUD)-Urunana are also involved in this trade there; see para. 132 of the present report.

Luofu, at a substantial markup. The Group estimates the value of the cannabis trade in markets such as Goma and Butembo to be more than $2 million a year annually. Most large buyers smuggle the cannabis across the border into Rwanda and Uganda. Several sources stated that the wives of FARDC soldiers were involved in the trade throughout the supply chain (see paras. 563-567 below).

94. In South Kivu, the Group found a cannabis trade network controlled by FDLR in both the Middle Plateau of Kalehe and the High Plateau of Uvira. In Lulamba, according to ex-combatants, FDLR can produce more than twenty 30-kg sacks of cannabis per week, for resale at $60 to $100 per sack, through Mai Mai Fujo, a Congolese armed group, and FARDC intermediaries (see annex 18). These sales are often either destined for FARDC consumption or smuggled to Bujumbura.

Palm oil

95. Other forms of financial benefit include the taxation of palm oil production in northern Kalehe and southern Walikale. FDLR controls thousands of hectares of palm oil plantations in the areas surrounding Bunyakiri, in South Kivu, forcing the previous owners to purchase from them and to resell in local markets. The profits reaped from this trade around Bunyakiri may reach more than $10,000 per month.

Financial contributions

96. FDLR also benefits from the forced contributions of Rwandan refugee populations protected by special units within the organization. These refugees must provide the combatants with 500 Congolese francs per person per month from the revenue realized from their agricultural products. UNHCR estimates that there are at least 10,000 Rwandan refugees still living with FDLR.

97. According to former combatants, the Congolese church association, Église du Christ au Congo, met with FDLR representatives in Kimua in December 2010 to inquire about a potential role as facilitator in discussions on durable solutions for FDLR. The association's delegation was led by Senator Jean-Luc Kuye Ndondo.[33] According to ex-combatants, FDLR agreed to receive the association's representatives as a result of a payment of $5,000, provided alongside the request.

98. Finally, as part of discussions regarding the relocation of FDLR to Maniema province (see paras. 100-103 below), numerous ex-combatants confirmed that Mudacumura had been given $60,000 by the Government of the Democratic Republic of the Congo, which was ultimately distributed in the amount of $5 per combatant.

Cooperation with Congolese armed groups

99. Complementing its commercial strategy, FDLR has sought to extend its military reach by collaborating with at least 10 local armed groups.[34] According to one former senior officer, by collaborating with Congolese armed groups, FDLR obtains greater intelligence-gathering capabilities, more commercial contacts and enhanced trust among the local population. These local armed groups also serve as a vital defence buffer in the event of operations by FARDC. Mudacumura allows all

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[33] Kuye Ndondo was the former President of the defunct Truth and Reconciliation Commission of the Democratic Republic of the Congo.

[34] S/2010/596, paras. 87 and 88

battalion commanders the latitude to collaborate with whatever armed group they deem to be most appropriate. On several occasions, FDLR in South Kivu welcomed delegations led by Etienne Kabila, who claims to be a member of the Kabila family (see para. 170 below).

Negotiations with the Government of the Democratic Republic of the Congo

100. In its interim report of 7 June 2011 (S/2011/345), the Group highlighted ongoing negotiations between the Government and FDLR. Following initial contacts early in 2011, a preliminary agreement for a ceasefire was concluded on 17 March and signed by Major General Dieudonné Amuli — then coordinator of Operation Amani Leo — on the Democratic Republic of the Congo side and by deputy executive secretary "Lieutenant Colonel" Wilson Irategera for FDLR (see annex 19). The text included a commitment by FDLR to disarm and regroup all its combatants and dependants in a secure zone between 150 and 300 km from the Rwandan border, where they would settle and transform into a political movement. The Government of the Democratic Republic of the Congo would guarantee the safety of FDLR and grant asylum to those seeking refugee status. The preliminary agreement underlined the necessity of involvement on the part of the international community.

101. The Democratic Republic of the Congo took steps to reassure the Rwandan Government about this process, and the latter has remained remarkably silent on the issue. Despite initial optimism, the process seems to have lost momentum, mainly because of objections from Iyamuremye and Mudacumura regarding the process, beginning with disarmament. During a vote on 29 June, FDLR senior officers opposed the Government proposal.

102. Executive secretary Ndagijimana has remained the most actively involved in the negotiations with the Government of the Democratic Republic of the Congo, according to MONUSCO sources. The official call record shows that between March and August 2011, he exchanged 202 text messages with the principal facilitator by satellite telephone alone.

103. While Mudacumura has feared being exposed to judicial pursuit through the process, other spoilers have emerged following the leaking of information about the process to the press. A number of individuals proposed to FDLR that they could organize direct negotiations with Rwanda, including the above-mentioned Senator Kuye Ndondo. The political leader of FDLR splinter group Ralliement pour l'unité et la démocratie (RUD)-Urunana, Félicien Kanyamibwa (see paras. 129 and 134 below), also rejected the negotiations, suggesting that Rwanda had to be involved.

Grenade attacks in Rwanda by the Forces démocratiques de libération du Rwanda

104. According to the Government of Rwanda, 18 grenade attacks were carried out by FDLR within Rwanda between December 2009 and March 2011, killing 14 people and injuring 219 (see annex 20). With the cooperation of the Rwandan authorities, the Group interviewed two detained FDLR perpetrators of grenade attacks in southern Rwanda. One detainee described his recruitment by an FDLR liaison officer in the Ruzizi Plain, who had promised to pay for his medical studies in exchange for his collaboration. After building up trust, he was tasked with retrieving grenades purchased in Uvira and transporting them to Butare, where he

and other members set them off in forests. According to the FDLR officers involved, the intent of the operations was to instil fear in the population and undermine the Rwandan Government's claim that the country was secure.

Redeployment strategy

105. Despite widespread knowledge of the locations of their headquarters positions near Kimua, in the Walikale territory of North Kivu, FDLR strongholds have not been dislodged by military pressure since the initial stages of the joint Operation Umoja Wetu carried out by Rwanda and the Democratic Republic of the Congo early in 2009. Nevertheless, FDLR has shifted its deployments in a strategy called "One step to the left", agreed upon late in 2010. The objective of deploying two FDLR battalions in Rutshuru and concentrating the majority of its units closer to Mudacumura's headquarters was to improve command and control and to prevent desertions and splits among the more remote deployments of FDLR. Key to this movement was the departure of the 4th battalion of FDLR in South Kivu, under the command of "Lieutenant Colonel" Tharcisse "Sharaf" Uwimana, from the vicinity of Kilembwe in Fizi territory, to reinforce other units in the Itombwe forest, which is rich in tin and tantalum ores. The 2nd battalion moved north from South Kivu, while battalions in North Kivu shifted towards the Rwandan and Ugandan borders.[35]

106. The shifting of FDLR units followed the surrender of former Someka battalion commander "Lieutenant Colonel" Elie "Safari" Mutarambirwa[36] in 2010. It occurred at the same time as a build-up of troops of the Forces patriotiques pour la libération du Congo (FPLC) under Lieutenant Colonel Emmanuel Nsengiyumva in Virunga National Park and the return from Uganda of Colonel Norbert Gaheza (see paras. 123-127 below), as well as the arrival in Rutshuru of a part of the RUD command, together with about 50 combatants (see para. 130 below). This build-up led to an increase in violence and looting in Rutshuru.

Liaison antennas

Buganza

107. FDLR has a logistics and intelligence antenna on the Ugandan border in the village of Buganza in the Rutshuru territory of North Kivu. According to some FARDC officers, customs officials and a member of another armed group active in the area, "Captain" Kambale's[37] FDLR troops control 3 km of fields and footpaths that separate the two countries. During its visit to Buganza, the Group was witness to the fact that armed group elements move freely around Buganza and often enter Ugandan territory.

108. Two high-ranking FARDC officers and a senior FDLR officer reported that Kambale facilitated cross-border movements of FDLR combatants, the arrival of

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[35] While the South Kivu Sector command of FDLR redeployed to eastern Walungu territory, its commander, "Colonel" Leopold "Achille" Mujyambere, has divided his headquarters as a result of tensions with his deputy commander, "Lieutenant Colonel" Hamada Habimana.

[36] Three combatants interviewed by the Group reported that Mutarambirwa had enabled RDF to retrieve a heavy weapon (Monotube 107) from an FDLR arms cache located at the foot of the Nyamulagira volcano.

[37] Often mistaken for a Mai Mai combatant, Kambale is a former escort of Murwanashyaka who remained in Rutshuru after he had accompanied the FOCA commander during his last visit to the Democratic Republic of the Congo, in 2006.

new recruits and the gold trade between Kampala and Rutshuru, Walikale and southern Lubero. Two intelligence officers and a police officer reported that at the beginning of the year, Kambale had facilitated the arrival of 30 new recruits from Uganda through Buganza. Kambale also maintains liaison with other armed groups operating in northern Rutshuru, for whom he can facilitate such movements. Demobilized combatants and local authorities testified that Kambale's combatants carried out extensive poaching in Virunga National Park and openly exchanged bush meat for ammunition with FARDC at Buganza. According to these sources, the ivory is sold in Uganda.

Uvira

109. From ex-combatants, the Group has learned that the previously mentioned grenade attacks (see para. 104 above) were orchestrated by a liaison and intelligence unit based in the hills west of Sange and were led by a "Major" Samson Muzuru. This unit is the only one operating in South Kivu that reports directly to FOCA headquarters. According to ex-combatants, Muzuru's unit does not have a commercial function, unlike similar units in North Kivu; instead, it provides Mudacumura with direct and independent information on security dynamics in South Kivu. Mudacumura uses this unit to facilitate access to both Uvira and Bujumbura.

110. The Group has identified one FDLR collaborator in Burundi in contact with Muzuru's unit: Népomuscène Masirika, a member of the disarmament commission of the Government of Burundi.[38] Masirika is a former member of the Rwandan Armed Forces, under President Habyarimana, who is married to the Burundian Police Commissioner, General Générose Ngendanganya. While, according to diplomatic and political sources, Masirika continues to be in contact with FDLR, the Group has not been able to verify any concrete material support between him and the Rwandan rebels.

Elections

111. According to FARDC sources and some North Kivu politicians, members of FDLR have enrolled for elections in large numbers, with the principal purpose of obtaining identification cards, to facilitate their movement within the Democratic Republic of the Congo. Some also intend to vote for opposition candidates in the upcoming elections.

112. Two members of armed groups and FARDC officers reported that in June, former Governor Eugène Serufuli Ngayabaseka[39] (see paras. 255, 265, 314, 632 and 633 below), head of the newly created Union des congolais pour le progrès (UCP) party, allied with President Kabila's electoral alliance, the Majorité présidentielle (MP)[40] (see paras. 297 and 309 below), had provided funds to FDLR representatives in exchange for assurances of security for his electoral campaign.[41]

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[38] Masirika uses the false name of Niyibitanga François in Burundi.

[39] Serufuli was the President of Tous pour la paix et le développement.

[40] MP was previously the Alliance pour la majorité présidentielle (AMP).

[41] Other armed groups such as FPLC and Soki were visited by Serufuli for the same purpose.

Arms and ammunition

113. Ex-combatants told the Group that more than 95 per cent of their arms and ammunition were being obtained through FARDC. While no systematic network of diversion exists, FDLR takes advantage of widespread indiscipline and a near-total absence of stockpile controls. Once rebel commanding officers have approved the conditions of a sale, the ammunition is centralized and redistributed. FDLR often purchases ammunition through the exchange of bush meat, cannabis or minerals.

114. The Group has documented trade networks between the wives of FARDC officers from the Mabanga neighbourhood of Goma and intermediaries with connections to FDLR operating in Rutshuru territory. Ammunition is transported in plastic containers concealed by palm oil or petrol and is sold in bush-meat markets, such as Buganza and Nyarwangi, which the Group visited. According to FARDC and police sources, between March and April, there were numerous arrests of women involved in this illicit trade; however, most were soon released. The Group determined that even during FARDC operations against FDLR, middlemen continued travelling to Kanyabayonga, Miriki and Luofu to buy cannabis and bush meat for customers in Buganza, which was controlled by FDLR "Captain" Kambale (see paras. 107-108 above). Congolese intelligence registered 166 arms- and ammunition-related cases in Rutshuru territory between January and July 2011.

Rwanda National Congress

115. The Group has carried out extensive research into allegations that the recently established Rwanda National Congress (RNC), a diaspora-based political party, has provided material and financial support to FDLR. RNC is led by General Kayumba Nyamwasa and Colonel Patrick Karegeya, both of whom currently live in South Africa, and by Gerard Gahima and Théogène Rudasingwa, who reside in the United States. The Government of Rwanda has told the Group that RNC is building an alliance with FDLR and other Congolese and Rwandan dissident armed groups in eastern Democratic Republic of the Congo, notably in the territory of Rutshuru in North Kivu.

116. Following a summit of the Economic Community of the Great Lakes Countries held in Kigali on 21 January 2011, which released a statement saying that an armed alliance operating in Rutshuru and including FDLR and other groups was supported by Nyamwasa and Karegeya, joint intelligence operations of FARDC and the Rwandan Defence Forces (RDF) were launched in the Democratic Republic of the Congo. In March 2011, a special company composed of troops from the two armies began three months of operations against armed groups in Rutshuru.[42] In August, the joint operations resumed.

117. The Group learned from interviews with ex-combatants that FDLR intended to deploy a second battalion to reinforce its strength along the Rwandan border, although this has not yet been completed (see paras. 105-106 above). The Group attempted to confirm reports that Nyamwasa had sent an emissary to meet with FDLR in September 2010 and had found that the individual was in fact someone claiming to be linked to the exiled King Kigeli V of Rwanda.

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[42] The special unit was composed of about 120 FARDC elements and 150 RDF elements and was established in the FARDC position at Kiseguru, north of Kiwanja.

118. One senior former FDLR officer told the Group that RNC was in communication with FDLR, but neither he nor any of the many FDLR officers interviewed by the Group in Goma, Bukavu and Rwanda, claimed or offered any evidence of material support by RNC for FDLR. Some officers close to Mudacumura told the Group that the FDLR Commander did not trust Nyamwasa because of his long history with the Front patriotique rwandais.

119. Nevertheless, most FDLR ex-combatants and active officers consulted by the Group said they viewed RNC as a potential ally and a factor that encouraged them to persist in their struggle. The Group has concluded that FDLR, although it does not receive any material or financial support from RNC, view the party's efforts as complementary to its own medium-term military strategy.

120. The Group addressed to the South African authorities three official communications requesting information about Nyamwasa and Karegaya relevant to its mandate, but did not receive any information. The Government of South Africa agreed to a request from the Group to visit Pretoria and meet personally with Nyamwasa and Karegeya, but then prohibited the Group from communicating with those individuals upon arrival. The South African Government also declined to arrange meetings requested by the Group with the relevant South African security agencies.

121. Through a telephone conversation with RNC leaders set up at the initiative of the Group after its visit to South Africa, Nyamwasa told the Group that he could not work with Mudacumura. He alleged that Mudacumura hated Tutsis and that his ideology was incompatible with that of RNC. Nyamwasa also denied to the Group that he was mounting an armed rebellion in eastern Democratic Republic of the Congo and claimed that had he wanted to do so, he would already be on the ground in that area.

122. Nyamwasa and Karegeya also explained to the Group, however, that they were both frequently solicited by telephone calls from purported armed group leaders in eastern Democratic Republic of the Congo, but had always refused such overtures. Several armed group leaders have informed the Group of their desire to receive backing from RNC, but the Group has seen no evidence that they have received such support. Some ex-CNDP officers still loyal to imprisoned former leader Laurent Nkunda, as well as numerous other Mai Mai groups, have aspired to cooperate with Nyamwasa and Karegeya in efforts against the Rwandan Government. The Group, however, has observed a tendency among individual commanders to exaggerate their importance by fabricating a relationship with the Rwandan dissidents.[43] Nevertheless, the Group would like to highlight one key case of an FDLR splinter group, Gaheza, whose leader was confirmed to have actually communicated with Nyamwasa (see paras. 123-127 below).

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[43] The Group notes the example of a new Mai Mai group established this year, cooperating with FDLR, in the Nindja area of South Kivu, which also uses the acronym "RNC", only meaning "Rassemblement national congolais" in this case, in order to attract more regional attention for the group and potentially draw the attention of the Rwanda National Congress.

D. Forces démocratiques de libération du Rwanda splinter groups

Front nationaliste pour la démocratie et la réconciliation, au Rwanda — L'armée du roi

123. Norbert "Gaheza" Ndererimana was the leader of a small splinter group of RUD-Urunana, itself a product of a previous split with FDLR (see paras. 128-134 below). Together with roughly 20 combatants in Rutshuru's Binza *groupement*, Gaheza sporadically conducted pillage attacks in cooperation with both the Forces patriotiques pour la libération du Congo (FPLC) and Soki (see paras. 135 and 559 below). After seeking to recruit new combatants and to sell minerals to businessmen in Kampala, according to Gaheza, he and his escort Sibomana Ramadani were lured to Kigali but then arrested by Rwandan police on 13 June 2011. At the time of his arrest, according to Gaheza, his group in Rutshuru possessed a total of 14 AK-47 assault rifles and one small machine gun.

124. In 2010 and 2011, Gaheza made several trips to Kampala, where he established the Front nationaliste pour la démocratie et la réconciliation au Rwanda — L'armée du roi (FRONADER). The group has seen a translation by the Rwandan Government of the FRONADER manifesto, which states that the explicit objective of the movement is to ensure the return from exile of King Kigeli V (see annex 21). However, FRONADER never received any support from anyone claiming to be linked to Kigeli.

125. Gaheza telephoned Nyamwasa on 1 November 2010, according to telephone records seen by the Group. Gaheza told the Group that he had solicited Nyamwasa's support during the conversation. Nyamwasa admitted to the Group that the call had taken place, but insisted that he had told Gaheza that he was not interested in being in contact. According to Gaheza, however, Nyamwasa asked Gaheza if he had any problems with FDLR and said that he would call Gaheza back. The Group considers that such a comment implies, at most, that Nyamwasa may have been exploring potential collaboration with FDLR. Both individuals say that they did not communicate again.

126. While he failed to obtain any support from either Kigeli or Nyamwasa, Gaheza received financial and material contributions from General Emmanuel Habyarimana,[44] whose political party, the Convention nationale républicaine-Intwari (CNR), is in a political coalition with RNC (see annex 22). According to Gaheza, CNR representatives provided him with wire money transfers totalling $2,400 (see annex 23). On 24 February 2011, Gaheza also received six Motorola radios from a CNR member in Canada named Timothée Rutazihana. On 3 March 2011, Gaheza received 4.3 million Ugandan shillings (about $1,400) from CNR *cadre* Emmanuel Hakizimana. At the time of reporting, the Group had yet to obtain a receipt of this transfer through MoneyGram, but had confirmed its existence through Gaheza's escort Ramadani, who claimed to have picked it up. According to Gaheza, these funds were used to purchase military equipment and a generator that was later transported across the border to Binza in March 2011. In a meeting with the Group, Hakizimana acknowledged that he knew Gaheza, but did not reply to questions regarding support for armed groups in eastern Democratic Republic of the Congo. However, according to

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[44] General Habyarimana was Minister of Defence of Rwanda from 2000 to 2002.

Gaheza's former colleagues in Kampala, Gaheza misrepresented the support he had received from Habyarimana's CNR as coming from Nyamwasa.

127. Nyamwasa and other RNC representatives have told the Group that ideological differences, particularly regarding responsibility for the Rwandan genocide, have constituted significant obstacles to cooperation between it and CNR. Nyamwasa claimed that the relations were hindered by Habyarimana's eagerness to endorse proposals to back armed groups, adding that they had not met with CNR since early in the year. A CNR representative confirmed the existence of these differences, but nonetheless claimed that the two parties had had "positive" meetings in South Africa in August. The Group considers, however, that RNC should not be held responsible for the support of CNR for an armed group in eastern Democratic Republic of the Congo, in the absence of evidence proving operational cooperation between the two political parties.

Ralliement pour l'unité et la démocratie-Urunana

128. RUD-Urunana is a small group of fewer than 200 soldiers based in southern Lubero and northern Rutshuru territories of North Kivu. RUD has been weakened during the Group's mandate by the desertion of its deputy commander, "Colonel" Wenceslas "Kit" Nzeyimana, in January 2011, together with five officers, including the RUD military intelligence chief, and more than 50 troops.

129. The political leaders of RUD are president Jean Marie Vianney Higiro and executive secretary Félicien Kanyamibwa, both of whom moved to the United States following a split in the FDLR leadership in 2004. "Brigadier General" Damascène "Musare" Ndibabaje has led the armed wing of RUD-Urunana since 2006. In meetings with the Group, Kanyamibwa denied having provided any military instructions to Ndibabaje. Nevertheless, according to several former combatants interviewed by the Group, Kanyamibwa plays an important role in the strategic direction of RUD forces in North Kivu.

130. According to FARDC sources and RUD combatants, at the end of 2010 some RUD commanders moved to Rutshuru to cooperate with other splinter groups such as those linked to Gaheza and Soki. According to a RUD commander, Mudacumura and Musare are still enemies, but many among the FOCA and RUD commanders cooperate and exchange information. This RUD commander also informed the Group that Musare and "General" Kakule Sekuli LaFontaine, commander of a branch of the Coalition des patriotes résistants congolais (PARECO) that has not been integrated into FARDC (see paras. 266-269 and 558 below), collaborated and carried out joint operations for mutual defence, following an agreement signed between the two armed groups in June 2009.

131. A RUD commander told the Group that RUD obtained supplies through ambushes carried out against traders and FARDC positions.[45] In May 2011, RUD soldiers attacked the PPRD Minister of Higher Education, Léonard Mashako, while he was visiting Rutshuru. According to armed group members in Rutshuru, the attack was intended to intimidate candidates of President Kabila's alliance.

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[45] RUD elements carried out large attacks in southern Lubero in 2009 and 2010, including an attack on an FARDC position at Mbingi in May 2009, an attack on FARDC at Luofu in 2010 and an attack on FARDC at Mihanbwe in 2010.

132. Numerous RUD combatants are involved in the cannabis trade in Lubero territory. Cannabis is widely grown, and its cultivation is supervised by "Lieutenant Colonel" Rugema, RUD chief financial officer. It is often traded for ammunition with FARDC (see paras. 563-567 below).

133. The Group has confirmed that RUD rebels are recruiting in Uganda. The Group interviewed five Ugandan youths recruited by a Rwandan named Mustafiri, who promised them jobs on a farm in the Democratic Republic of the Congo. Once they had discovered that they were being forcefully recruited into RUD, they were told that they would be killed if they resisted.

134. Finally, the Group uncovered links between the website Afroamerica.net and RUD president Félicien Kanyamibwa. According to server data, the site is registered under Kanyamibwa's name (see annex 24). Recent articles on Afroamerica.net have included false accusations against MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration staff and allegations that RNC was collaborating with FDLR.

Soki

135. Soki Sangano Musohoke, a deserter from RUD, operates in northern Rutshuru. Soki has 40 to 60 combatants under his command, most of them local recruits. Soki leads an armed group engaged in regular and often large-scale looting activities and has no specific political agenda. Soki often carries out joint attacks with FPLC. Soki's force operates on the shores of Lake Edward, where it carries out taxation and looting.

E. Forces nationales de libération

136. The Group has continued investigating FNL[46] combatants operating in South Kivu Province. In accordance with its mandate concerning the financial, material and political support provided to armed groups in the Democratic Republic of the Congo, the Group focused its investigations on individuals providing such support to FNL, as well as the movement's involvement in weapons trafficking and the exploitation of natural resources.

137. The military leadership of FNL remains based in the Ruzizi Plain near the villages of Ondes and Runingo, north of Kiliba town. FNL uses five unofficial border crossings in order to move easily through its old stronghold of the Rukoko forest, which straddles the Ruzizi River, separating the Democratic Republic of the Congo from Burundi. "General" Antoine "Shuti" Baranyanka remains the overall commander of FNL.[47] Critical staff officers include "Lieutenant Colonel" Aloys Nzamapema, the chief operations officer, and "Major" Logatien Negamiye, who is in charge of intelligence. While current combatants claim that there are 200 combatants around Baranyanka's headquarters, near Kiliba, Burundian intelligence officers put the number at around 50. The rest of the Burundian elements in the Democratic Republic of the Congo are located in Fizi territory, between the Middle

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[46] Negotiations among Burundian opposition leaders about a name for their combatants are ongoing. Until a decision has been taken, the Group will continue to refer to this foreign armed group as the Forces nationales de libération.

[47] S/2011/596, para. 115 and annex 12.

Plateau of Uvira and the Ubwari Peninsula. The Group estimates that there are some 300 to 400 combatants present at any given time in those locations. Both Baranyanka and Nzamapema travel frequently from Kiliba to Fizi in order to maintain control over the combatants there.

Political leadership

Alexis Sinduhije

138. Sources consulted by the Group concurred that Alexis Sinduhije, president of the Mouvement pour la solidarité et la démocratie (MSD), is a particularly active supporter of FNL combatants and armed rebellion in Burundi. Four mid-level FNL officers told the Group that FNL combatants in South Kivu considered Sinduhije to be one of their movement's key leaders. According to another FNL combatant, in July, relations soured for a time between Sinduhije and Baranyanka, with the latter accusing the former of usurping his role by making claims to be the movement's supreme commander. FNL combatants told the Group that Sinduhije had been tasked with convincing regional and international Governments that the Burundian Government's abuses and corruption justified an armed rebellion.

139. Diplomatic and civil society sources told the Group that Sinduhije had travelled in recent months throughout Uganda, France, Italy, South Africa, Turkey, South Sudan and Kenya, where he had sought to meet with Government officials and financial supporters. According to collaborators with the movement, Sinduhije has made attempts to reach out to Rwandan opposition parties as well. As a result of these wide-ranging contacts, according to Burundian intelligence and FNL members, Sinduhije has been able to provide financial support to South Kivu-based rebel combatants. Sinduhije did not respond to repeated attempts by the Group to arrange a telephone conversation to discuss these matters.

140. Early in September, Burundian police and intelligence told the Group that they had arrested three FNL supporters, led by a former MSD political *cadre* named Onesphore, in the port city of Rumonge, allegedly as they were preparing logistics for the arrival of a unit of FNL combatants from the Democratic Republic of the Congo. Burundian police displayed for the Group more than 400 items of supplies that they said had been found in Onesphore's possession (see annex 25). Although current combatants confirmed his collaboration with FNL in South Kivu, Onesphore denied this to the Group, claiming that he had intended to sell the goods. Following Onesphore's arrest, Burundian police told the Group that Sinduhije had called an FNL supporter from a Kenyan number. Voice recordings obtained by the Group show that the caller instructed the supporter to flee and offered to send 500,000 Burundian francs[48] to assist with Onesphore's release (see annex 26). Sources close to Sinduhije claimed that it was his voice on the recording.

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[48] 500,000 Burundian francs is roughly $405, according to official exchange rates as of the time of reporting.

Box 1

Supporters of the Forces nationales de libération

Agathon Rwasa

FNL president Agathon Rwasa consolidated an alliance with Mai Mai Yakutumba early in 2011 (see paras. 168-170 below). Since then, Rwasa has travelled through the United Republic of Tanzania, Kenya, Zambia and South Africa, in addition to Fizi and Uvira territories. The Group interviewed witnesses who claimed to have observed Rwasa in Kigoma, United Republic of Tanzania, accompanying supplies destined for FNL combatants in Fizi territory. Sources in Burundian intelligence and those close to opposition parties told the Group that Rwasa had spent a substantial amount of time in Dar es Salaam.[a] According to the same sources, Rwasa has re-established commercial contacts for the sale of gold coming from the Democratic Republic of the Congo (see para. 143 below). Throughout his travels, Rwasa remains in close contact with Baranyanka, the commander of his troops in the Democratic Republic of the Congo.

Léonard Nyangoma

According to diplomatic sources, the president of the Conseil national pour la défense de la démocratie (CNDD), Léonard Nyangoma, has spearheaded a recruitment drive among Burundian refugee populations in the United Republic of Tanzania to be sent to join FNL in the Fizi territory of South Kivu (see paras. 147-148 below). FNL combatants in Kiliba told the Group that they had participated in weapons pick-ups in Burundian neighbourhoods, where FNL supporters had informed them that Nyangoma had procured the weapons.

Pascaline Kampayano

The President of the Union pour la paix et le développement (UPD) party, Pascaline Kampayano, is alleged by Burundian intelligence sources and FNL combatants to be providing funds to Rwasa, Sinduhije and Baranyanka. The same sources claimed that Kampayano had reactivated her political and military contacts in Kinshasa, where she lived in exile for many years. FNL combatants told the Group that Kampayano had organized shipments through FARDC officers of military equipment, including weapons and ammunition. The same sources also stated that Kampayano had visited the FNL camp in the Ruzizi Plain in October 2010, where one of them had personally witnessed her promising Baranyanka supplies through FARDC contacts. Two weeks later, a Congolese truck had arrived carrying more than 50 new uniforms.

Pancras Cimpaye

Front pour la démocratie au Burundi (FRODEBU) spokesperson Pancras Cimpaye is said by FNL combatants and other sources close to them to be lobbying international opinion and seeking financial support for FNL. In an interview with the Group in March 2011, Cimpaye said he was trying to solicit regional and international support to force the Burundian Government to talk to the opposition, citing the threat of the expanding FNL rebellion. In an open letter to President Nkurunziza dated 22 June 2011, Cimpaye claimed that the sound of the boots of a rebellion were on the horizon (see annex 27).

FRODEBU representatives in Bujumbura told the Group that the party had not sanctioned Cimpaye's activities. Cimpaye is a resident of Belgium. The Group's formal requests to the Belgian authorities to confirm Cimpaye's entries into and exits from the country had not received a response at the time of reporting. Attempts by the Group to contact Cimpaye by e-mail or telephone at the end of its mandate received no response.

[a] Rwasa lived in Dar es Salaam for many years prior to leading the FNL rebellion, and throughout protracted negotiations with the Burundian Government from 2006 to 2008.

141. FNL officers interviewed near Kiliba early in September claimed that they were no longer fighting only for Rwasa, but rather for the larger ADC-Ikibiri, specifically citing Sinduhije, Kampayano, Cimpaye and Nyangoma as their political leadership. They also claimed to have renounced their previous ethnic agenda claiming that they were ready to work with Tutsi leaders such as Sinduhije. On 27 August, ADC spokesperson Léonce Ngendakumana stated that if the Burundian Government rejected negotiations with the political opposition, he would risk being "chased away by arms".

142. At an ADC meeting held in Dar es Salaam in August, according to sources close to the opposition, all political leaders, including Kampayano and Rwasa,[49] agreed upon Sinduhije's overall leadership of their nascent rebellion, for which they said FNL troops in South Kivu would be the cornerstone.

Exploitation of natural resources

143. An important source of revenue for FNL is the trade in natural resources from South Kivu. According to Burundian intelligence and FNL sources, Rwasa works closely with Thomas Hamenyimana, a naturalized Tanzanian of Burundian origin and owner of the Hotel Nyavayamo in Dar es Salaam (see annex 28). Burundian police confirmed that Hamenyimana collaborated with FNL liaison officer Datus Hishirimimana, who frequently travelled through Kigoma to Talama to bring back gold for sale in Dar es Salaam. According to members of the local population consulted during the Group's visit to Kigoma, FNL collaborators often pass through

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[49] Rwasa was not personnaly present at this meeting, but rather sent an emissary in his place, who agreed in principle to a tentative structure for the political leadership of the rebellion.

the town of Ujiji, south of Kigoma. Regional diplomatic and intelligence sources told the Group that certain police and army officials in the United Republic of Tanzania protected FNL traders.[50]

144. FNL combatants and Burundian intelligence revealed that certain "white men" had visited the rebels, promising weapons in exchange for minerals. One source claimed that Kampayano had brought them from Kinshasa, while another indicated that they resided in Nairobi and had been in contact with associates of Sinduhije.

145. FNL combatants and Burundian intelligence officers told the Group that FNL was involved in the trade in hardwoods, mostly from the Middle Plateau of Uvira and the Nganja Forest in Fizi territory (see annex 29). One former rebel interviewed by the Group in Uvira said that the hardwoods were often transported across Lake Tanganyika to Rumonge port in the same boats that brought new recruits and supplies to the Democratic Republic of the Congo. These wooden planks were sold in Bujumbura and Dar es Salaam, having transited through Kigoma and Rumonge ports, respectively.

146. The Tanzanian authorities have denied the existence of timber imports from the Democratic Republic of the Congo for re-export. However, business traders consulted by the Group at timber depots in Dar es Salaam acknowledged the high quality of Congolese hardwoods, referred to in the United Republic of Tanzania as *mwinga*. According to the same traders, the majority of Congolese hardwoods entering Burundi are re-exported to the United Arab Emirates. Requests made to authorities of the United Arab Emirates for import statistics for hardwoods from the United Republic of Tanzania had not received a response as of the time of reporting.

Recruitment

147. The Group estimates that in South Kivu, FNL has recruited at least 200 former members of the Burundian security services, notably among former FNL members, members of a CNDD faction led by Léonard Nyangoma and disgruntled ex-combatants of CNDD-Forces de défense de la démocratie. In addition, Burundian intelligence and diplomatic sources told the Group that FNL had recruited more than 300 residents of the Burundian refugee camps in the United Republic of Tanzania.[51] Sources close to FNL and Burundian intelligence alleged the existence of training camps for recruits in the United Republic of Tanzania prior to departure for the Democratic Republic of the Congo.

148. Former FDLR combatants told the Group that FNL had remobilized some of these deserters in South Kivu, North Katanga and areas surrounding Kigoma in the United Republic of Tanzania. One demobilized FDLR combatant, named Major Chombe, claimed to the Group to have sent 35 Rwandan ex-combatants to serve as mercenaries for FNL.

Alliances with other armed groups

149. The principal ally of FNL in South Kivu is Mai Mai Yakutumba, with which it shares its supply of weapons (see paras. 168-169 below). FNL also works with other

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[50] The Group did not find any evidence indicating any official Government support of any kind for Rwasa or FNL.

[51] The Group made formal requests to visit these refugee camps and populations, but had not received a response as of the time of reporting.

small armed groups in South Kivu, including those led by Colonels Fujo, Nyerere and Baleke (see para. 170 below). One FNL ex-combatant stated that after crossing Lake Tanganyika, he had immediately been directed to a Mai Mai Fujo camp. FNL combatants told the Group that they had built an alliance with a group of armed ethnic Fulero[52] youths near Mwaba and named demobilized Congolese Mai Mai who had joined their ranks and who had previously been commanded by the current 8th Military Region Deputy Commander, Colonel Baudoin Nakabaka.[53]

150. The Group was informed by FARDC officers and Congolese intelligence officials that the FNL objective of forming an alliance with FDLR[54] had not materialized, as the latter was redeploying its southernmost battalion away from Fizi territory, where Rwasa's troops had gathered to ensure their access to Lake Tanganyika (see paras. 105 and 106 above).

Cross-lake movements

151. Research conducted by the Group indicates that Rumonge is an important logistics and movement hub for FNL activities across Lake Tanganyika. Burundian intelligence sources said that FNL also used smaller ports, such as Karonda, Kayamba, Kizuka and Kagongo, and also used the dense palm-tree forests of Gisenga and Kangunga along Burundi's southern border with the United Republic of Tanzania. Former and current FNL combatants told the Group that these areas served as transit points for new recruits moving into the Democratic Republic of the Congo, and arrival points for commando units conducting operations in Burundi (see para. 140 above). During the Group's visit to the port of Mboko in South Kivu, local authorities and fishermen confirmed that they had witnessed the arrival of more than 70 Burundian combatants in three separate boats in February, who had then moved to the village of Bikoboko to join Mai Mai Yakutumba combatants led by Colonel Bwasakala, before continuing on southward to Talama.

Other forms of support and financial contributions

152. According to FNL combatants, in the Ruzizi Plain they benefit from the support of Uvira-based businessmen, including Jean Nyabyenda, who was arrested by Congolese police in August. Former combatants claimed that Nyabyenda had been recruiting and providing food to the rebels. Political supporters of FNL have sought to obtain support from private and Government sources in Uganda. During a meeting with the Group in Brussels early in March, Cimpaye disclosed his intention to seek support from the Ugandan Government in order to take advantage of allegedly increasingly cold relations between Kampala and Bujumbura. According to multiple sources close to the rebels, following shorter visits by Sinduhije, a delegation comprising Nyangoma, Sinduhije and Cimpaye travelled to Kampala to meet with high-level Government officials and businessmen. However, to date the Group has found no evidence of any Ugandan Government support for FNL.

153. According to Burundian civil society and intelligence services, FNL also receives voluntary and coerced contributions from Bujumbura-based businesses.

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[52] The majority ethnic group in the Uvira Plain of South Kivu.

[53] Nakabaka supported Rwasa's initial flights from Burundi in 2010; see S/2010/596, para. 114. See also S/2009/603, paras. 25-27, 29-31, 33, 39, 70, 73, 80, 150 and 159 and annexes 14, 50 and 51, and S/2010/596, paras. 218, 230 and 294.

[54] S/2010/596, para. 114, and S/2011/394, para. 39.

There were a series of money transfers to FNL supporters early in 2011 through Western Union agencies in Bujumbura, but an FNL combatant told the Group that this practice had been discontinued in favour of personal meetings with supporters in Bujumbura, Uvira and Bukavu.

Support from within State security services

154. Numerous FNL combatants and supporters told the Group that FNL benefited from support within the Burundian security services, notably the army (Burundi National Defence Force), the police (National Police of Burundi) and the intelligence services (National Intelligence Service). A total of 2,100 FNL combatants were integrated into the army and police during 2009. While it is unclear how many actually remain, current combatants claim that many of them have been instructed to stay in their official positions in order to provide information and supplies to FNL.

155. The same sources told the Group that FNL benefited from cooperation with FARDC, including from local Uvira-based officers who had previously worked with the group when they were still Mai Mai combatants. The 8th Military Region Deputy Commander, Colonel Nakabaka, has been cited by the same sources as providing Baranyanka with information about impending operations against FNL.

Arms procurement

156. Burundian intelligence and FNL supporters confirmed to the Group that FNL political leaders had tried to obtain weapons in South Sudan. Some sources claimed that clandestine weapons shipments had subsequently been organized, but the Group has been unable to confirm this.

157. Arms caches in Burundi dating to the period before the integration of FNL with the Burundian security forces are another important source of weapons for the group. FNL combatants often travel from the Democratic Republic of the Congo to recover these stocks. FNL combatants told the Group that they had uncovered a cache in South Kivu, in the village of Ondes, of more than 400 weapons, including rocket-propelled grenades, unidentified machine guns and AK-47 assault rifles. An FNL supporter told the Group about an operation conducted in June 2011 to recover nearly 5,000 rounds of AK-47 ammunition from unidentified gold dealers in Bukavu's Essence neighbourhood.

158. Burundian intelligence and diplomatic sources told the Group that FNL in South Kivu had procured numerous weapons from unidentified sources in United Republic of Tanzania. Two former FNL combatants revealed that on 15 May 2011, they had witnessed Nzamapema arriving with two canoes filled with weapons at Moba, south of Kalemie in North Katanga province. An Arab Tanzanian named Shahib, based in Rukwa, Subawanga district, who had been a long-standing collaborator with Rwasa, according to Congolese intelligence sources, reportedly sent the arms on 15 May.

IV. National armed groups

159. Congolese armed groups have been readying themselves for possible instability owing to post-electoral contestation. Those already integrated into FARDC,

particularly PARECO, CNDP and the Forces républicaines fédéralistes (FRF), have sought to consolidate their grip on key command positions and territories, hoping to ensure maximum support for the campaigns of their own candidates and the campaign of President Kabila. This has galvanized support for existing non-integrated armed groups, which remain deeply in favour of opposition candidates in hopes of reversing the concessions made, particularly to CNDP and FRF.

A. Mai Mai Yakutumba (Forces armées alléluia)

160. Mai Mai Yakutumba (Forces armées alléluia) is a majority ethnic Bembe Congolese armed group based in the southernmost territory of Fizi in South Kivu. The movement is led by "General" William Amuri, alias "Yakutumba", who resisted participation in the *brassage* process in 2007, citing the initial mobilization of the FRF and CNDP rebellions, which had just begun in both South and North Kivu.

161. According to ex-combatants, the total troop strength of Mai Mai Yakutumba is estimated at between 300 and 400, although the rebels claim to have thousands more, hidden as civilians throughout Fizi territory. Amuri's deputy commander is "Colonel" Abwe Mapigano. FARDC commanders in Fizi territory stated that Mai Mai had three 12.7mm machine guns mounted on motorized wooden boats, giving it unmatched capacities on Lake Tanganyika (see annex 30).

162. For many ethnic Bembe, Mai Mai Yakutumba represents the long-standing tradition of the Bembe resistance to "foreign" invaders, whom they currently perceive as comprising the ethnic Banyamulenge FRF rebels, as well as Rwandophone ex-CNDP and ex-PARECO commanders within FARDC. Following the Government's peace deal with FRF in January 2011 (see paras. 284-291 below), Mai Mai Yakutumba presented its own list of demands on 5 February, decrying the Government's perceived capitulation to "foreign" interests. Amuri has regularly denounced Kabila's "ceding of the country to Rwanda" (see annex 31).

163. On 22 August, rapid intervention forces from the 42nd brigade of FARDC launched a surprise attack at Talama. Claiming to have killed more than 20 combatants, FARDC stopped its pursuit at Yungu, south of the Ubwari Peninsula, to which the rebels retreated, seizing the strategic location of Dine. Amuri subsequently requested support from ethnic Bembe collaborators of the navy in Baraka.

Support from the Parti pour l'action et la reconstruction du Congo

164. Raphael Looba Undji is the President of Mai Mai Yakutumba's political party, the Parti pour l'action et la reconstruction du Congo (PARC). Looba plays a vital role in the financial activities of the armed group, and the Group learned that he travels frequently to Burundi and the United Republic of Tanzania. Furthermore, according to FARDC intelligence officers, Looba has a second home in Ujiji, south of Kigoma, which serves as an important logistics base (see para. 143 above). Nevertheless, former rebels have indicated to the Group that Looba's control over the group's finances has created tensions with other high-ranking officers who have accused both Looba and Amuri of siphoning off revenues for personal enrichment.

165. In September, the representative of PARC in Dar es Salaam, Eddy Mulunda, informed the Group that the party had become part of a larger umbrella politico-military movement embracing other Mai Mai groups, called the Union des

mouvements patriotiques congolais (UMPC). In a meeting with the Group in Kigoma, the former PARC focal point in Bujumbura, William Iyango, told the Group that he had become the vice-president of UMPC in charge of diplomatic relations, while Looba had been designated vice-president for finance.[55]

166. During three visits to Fizi territory over the course of its mandate, the Group met on multiple occasions with the PARC focal point in Baraka, Faustin Emanga. The Group understands that Emanga plays a critical role in the logistical supply for the rebels and facilitates rebel infiltrations into Baraka.

167. In interviews with the Group, Emanga admitted his role in recruitment, which he claimed had been easier during the mining suspension, when many miners had returned home without jobs. Furthermore, he stated that he collected individual contributions to the movement, which had risen dramatically this year since the Kibibi rapes in Fizi (see para. 643 below). Emanga also acknowledged to the Group that he purchased rounds of ammunition from individual FARDC sources.

Alliances with other armed groups

168. Since the latter part of 2010, Mai Mai Yakutumba has built a close alliance with Agathon Rwasa's Burundian rebels of FNL (see para. 149 above). Former combatants attested to having welcomed Rwasa in August 2010 in Bashikalangwa, Fizi territory, where he had met with Amuri and Looba. Mai Mai had agreed to provide a rear base for FNL in exchange for military training, weapons, links and the promise to participate in operations against FARDC in order to eventually take over all of South Kivu. One former combatant explained to the Group that in April 2011, Amuri had sent three boats to pick up the Burundian rebels in boats owned by the maritime chief of Baraka (see para. 188 below).

169. The Group documented that FNL had been co-located with Mai Mai Yakutumba in Talama, Yungu, Kihimino and Bibokobiko, north and south of the Ubwari Peninsula. Mai Mai has benefited from extensive training conducted by the Burundians at Talama, where, according to Congolese intelligence agents, a ceremony took place on 26 May following the graduation of a class of mixed Burundian and Congolese combatants. These same sources indicated that FNL had brought to Talama numerous MAG machine guns, rocket-propelled grenades and AK-47 assault rifles, along with around 150 boxes containing more than 100,000 rounds of ammunition.

170. Furthermore, FARDC intelligence officers informed the Group that recent deserters from FARDC[56] and Congolese national police (PNC), including PNC Colonel Nyerere, had met with Amuri (see para. 149 above). The same sources indicate that prior to his flight from the police in Uvira, Nyerere was under investigation for providing weapons to Amuri's rebels. Alliances have been established with Mai Mai Mupekenya and Mai Mai Mulumba. Former Kalemie-based naval officer Major "Gorille"[57] deserted early in January 2011, bringing with

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[55] Iyango openly acknowledged to the Group that Looba was financing his travels through the trade in natural resources from the Democratic Republic of the Congo to the United Republic of Tanzania and Burundi.

[56] Sources among the local population stated that roughly half of the combatants they see are wearing new, camouflage FARDC uniforms.

[57] More than 10 others joined Gorille, who denounced the poisoning of General Madoamadoa, the previous Bembe naval commander of northern Katanga, when he was evacuated to South Africa.

him two outboard motors, ammunition, 107 mm cannons and uniforms. Finally, Emanga acknowledged to the Group that Etienne Kabila Taratibu, who claims to be another son of Laurent Desire Kabila, had visited the rebels. Taratibu had returned to the Democratic Republic of the Congo after nearly a decade in exile in South Africa in order to begin an armed rebellion.

Supporters within the Forces armées de la République démocratique du Congo

171. Mai Mai Yakutumba benefits extensively from support provided from within FARDC by former high-ranking Mai Mai officers. The historical leader of the Mai Mai resistance in Fizi territory, General Dunia Lengwama, is one of the rebels' principal sponsors (see annex 32). The Group documented that Dunia had revealed to Amuri all of his old arms caches, and had made his boat available to transport the rebels.[58] An ex-combatant stated that one such arms cache had been found at Kananda, consisting of one PKM machine gun, three rocket-propelled grenades and 50 boxes of PKM ammunition, containing 100 pieces each, and that the rebels had retrieved another cache in July near Kichula comprising more than 100 weapons. Another ex-combatant even stated that Dunia had called the rebels to express his disappointment upon hearing that they had integrated into FARDC.

172. During one of its visits to Baraka, the Group met three Tanzanian men in the company of Dunia's escorts. They claimed that they had come from Dar es Salaam and had met with Dunia in Bukavu. Hotel records indicated that the men had registered under the names Wilfred Lukonge, Seif Mohammed and Muhamed Khatrush. FARDC and Congolese intelligence officers informed the Group that the Tanzanians were heading to Talama to purchase gold there.[59]

173. Call records obtained by the Group through official channels indicated calls from one of Dunia's telephone numbers to Amuri on five occasions during the months of August and September and two calls to Looba in May (see annex 33). The Group cannot confirm the content of such exchanges or the probability of greater volumes of communications on telephone numbers unknown to the Group.[60]

174. Mai Mai Yakutumba ex-combatants stated that in 2010 alone, the 10th Military Region Deputy Commander, Colonel Nakabaka (see paras. 149 and 155 below), had sent his own boat three times from Uvira to provide them with ammunition. The same sources stated that since the integration of FRF, Nakabaka had insisted that Mai Mai reinforce its resistance to the Government. Ex-combatants and Congolese intelligence services have also frequently cited Colonel Mutupeke as supporting Mai Mai, including by aiding Lieutenant Faraja Mongelewa, who was captured in December 2010 with more than 1,600 rounds of AK-47 ammunition (see annex 34). Furthermore, Captain Issa Wilondja Kirubi was arrested in July 2011 for providing ammunition to the rebels, according to FARDC officers. Finally, according to ex-combatants, Colonel Willy Batunji was arrested after providing three weapons and 3,500 rounds of PKM ammunition to the rebels while at the Kananda regimentation centre.

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[58] Before agreeing to speak with the Group, PARC representatives required that the Group obtain personal authorization from Dunia.

[59] The Group has written to Tanzanian authorities requesting further information regarding these individuals but had not received a response as of the time of reporting.

[60] The Group believes that such communications serve to complement other testimonies.

175. According to supporters of the rebels, the resurgence and expansion of Mai Mai Yakutumba in 2011 have been directly linked to the upcoming elections in the Democratic Republic of the Congo as popular opposition movements prepare to contest what they believe will be rigged elections.

176. One of their principal political sponsors is national deputy Jemsi Mulengwa, whose father, Pastor Pagiel Mulengwa, is the coordinator of a Bembe diaspora organization (see annex 35). According to civilian intelligence, ex-combatants and FARDC officers, Mulengwa visited Talama and provided funds in July 2011. Although PARC representatives deny Mulengwa's involvement with Yakutumba, ex-combatants have stated that he provided the rebels with weapons and ammunition. During the August attack on Dine in the Ubwari Peninsula, FARDC soldiers observed Mulengwa's boat being used by supporters to provide supplies to the Mai Mai combatants (see annex 36).

177. The Group has learned that another supporter is Anzulini Bembe, President of the National Assembly from 1988 to 1993 and spokesperson for the Union sacrée pour l'alternance. All former rebels consulted acknowledged Anzulini's involvement in supporting Mai Mai Yakutumba, and one former senior officer claimed to have witnessed financial contributions on four separate occasions. PARC officials told the Group that though Anzulini had a very good relationship with Amuri, widespread suspicions that he financed the movement were unfounded.

178. Finally, another supporter of Yakutumba's is the Misisi locality chief Katambo (see para. 511 below), who collects contributions for the rebels from other miners and traders totalling up to 200 g of gold per month. The same sources indicated that during ongoing negotiations with the Government in 2009, Amuri had resided in Katambo's home in Misisi. Katambo is also a very close political ally of Jemsi Mulengwa. Katambo communicated with Amuri four times during the first week of August alone for a total of 26 minutes, according to call records obtained by the Group.[61]

Exploitation of natural resources

179. Looba collects income from the gold mines of Kingizi, Kaboga and Katchoka, 14 hours west of the lakefront village of Talama. At these sites, Mai Mai taxes diggers producing up to 7 g per week. Mineral traders interviewed in Misisi claimed that the Talama gold market was controlled mostly by Bukavu-based traders, who would often sell to Etablissement Namukaya[62] (see paras. 200, 357, 512, 521, 531, 536 and 545 below and box 4). The Group also investigated reports concerning two foreigners of European descent who had visited Talama on multiple occasions to buy gold and had promised to provide military equipment. The Group had not been able to establish the identity of these individuals as of the time of reporting.[63]

180. Prior to the August FARDC operation, Mai Mai Yakutumba occupied the village of Yungu, south of the Ubwari Peninsula, where there are significant high-

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[61] The Group believes that this evidence serves to complement testimonies by former combatants and Congolese intelligence officers.

[62] S/2008/773, paras. 78, 80, 87, 90 and 93; S/2009/603, paras. 145, 147 and 159 and annex 51; and S/2010/596, paras. 182-184, 204, 219 and 294 and annexes 22- 26 and 60-62.

[63] The Group believes that these may be the foreigners referred to in para. 144 of the present report, although physical descriptions obtained have differed.

quality copper deposits. FARDC and Congolese civilian intelligence officers stated that the rebels taxed all diggers upon their entry into the mines. Furthermore, the Group has found that Amuri and Looba established business arrangements with the Dar es Salaam-based Safaa Mining SPRL. This company, which gained a monopoly on the export of copper when the rebels took over Yungu late in 2010, is owned by a citizen of Oman, allegedly named Ahmed "Rambo" Abass, with businesses in Lubumbashi and Dar es Salaam. Three ex-combatants of Mai Mai Yakutumba confirmed to the Group that "Rambo" was a close business associate of Amuri. Miners also confirmed to the Group that "Rambo" had pre-financed more than 300 diggers in Yungu and that his principal assistant was Shawedi Kiwenge, whose departure for Yungu on 6 July 2010 was confirmed on passenger manifests (see annex 37).

181. Official Tanzanian export records show that Safaa Mining exported 160 tons of copper in four shipments to China between 9 July and 22 November 2010 (see annex 38), for an estimated total export value of more than $1.5 million. The Group obtained copies of false Democratic Republic of the Congo customs documents for three of those shipments, which identify the Chinese importer as Jeans International Trading Company Limited in Shanghai (see annex 39). The Group has written both to Jeans International and to the Government of the United Republic of Tanzania in an attempt to confirm these exports of Safaa, but had yet to receive a response at the time of reporting.[64] However, the Chinese Government has subsequently informed the Group that it does not possess any records of shipments from Safaa to Jeans International.

182. Prior to the August 2011 FARDC operations in Yungu, "Rambo" was preparing to export more than 40 tons of copper. Following multiple inquiries among FARDC officers, the Group concluded that the seizure of those minerals by criminal networks within FARDC had been one of the key objectives of the military operations. As of September 2011, FARDC officers had confirmed that they continued to occupy Yungu, but the Group has yet to determine the fate of the minerals.

183. The gold mine of Kongolo, near Makama, discovered early in 2011, is another important source of revenue for Mai Mai Yakutumba. According to local authorities, Colonel Ebwela and 14 rebel combatants oversee their own pits at Kongolo and impose taxes on all commercial goods entering the mine, as well as a fee of more than $6 for every time that diggers enter. The same sources estimate that around 1,000 miners work daily in the mine. The main market for all Mai Mai-taxed gold coming out of Kongolo is Sebele. Traders consulted by the Group stated that they sold to Uvira-based buyers named Honoré and Mwite, who in turn sold to Mutoka Ruganyira[65] in Bujumbura (see paras. 512, 531 and 537 below).

Other sources of local financing and support

184. The Group learned how, in the course of 2011, Mai Mai Yakutumba had begun to profit from its strategic position along the shores of Lake Tanganyika. The

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[64] Given the fraudulent nature of these Congolese export documents, the Group cannot confirm the destination of these shipments without final confirmation from Jeans International. However, official export statistics from the Tanzanian Government, shown in annex 41, include China as the destination for the copper shipments by Safaa in 2010.

[65] S/2008/773, para. 93; S/2009/603, paras. 140-159; and S/2010/596, para. 295 and annexes 63-64.

practice had existed informally for a while, but on 4 July 2011 the group began to formally tax the boat traffic to Uvira and Kalemie, demanding a contribution of $500 per month for each vessel operating from Uvira "to sustain the war effort until victory is achieved" (see annex 40). About a month later, on 10 August 2011, after only one boat owner had paid, Looba wrote another letter threatening consequences for those who would not collaborate.

185. Additionally, several cases of piracy were recorded. A first incident occurred on 18 June 2011, when the cargo vessel *Ulindi* was captured by six armed Yakutumba combatants using a small canoe equipped with a powerful motor. After seizing the cargo manifest, they took the boat operator hostage and held him at their base in Talama. On the basis of the passenger and cargo manifests, they demanded a ransom of $20,000. After a few days of negotiating, they settled for $15,000 and released the boat and its 230 passengers. The hostage was released two weeks later, when the balance of the ransom was settled.

186. After several incidents involving smaller boats, Mai Mai Yakutumba combatants intercepted two larger vessels in September 2011. According to civil society representatives, the rebels captured the *Rafiki 3*, stealing mobile telephones, cash and more than 200 litres of fuel. Finally, on 24 September 2011, the *Maman Wundja* was hijacked and diverted to the Ubwari Peninsula. This vessel, carrying approximately 100 passengers and cargo, was released two days later after ransom money had been paid.

187. Mai Mai Yakutumba has also benefited financially from the large-scale theft of cattle throughout Fizi territory, which it subsequently sells for more than $700 per head in mining areas. According to members of civil society, on 5 August Mai Mai stole 300 cows at Lubondja, located 50 km from Fizi centre, from ethnic Banyamulenge herdsmen, further exacerbating intercommunal tensions.

188. The rebels also benefit from widespread local contributions made in Fizi territory, where village focal points are tasked with collecting $50 per month. According to civilian intelligence officers, nearly all businessmen in Baraka support the rebels. Amuri and Looba provide them with funds to invest in the purchase of land, vehicles or motorcycles. Movements on the lake from Baraka are facilitated by the chief maritime officer, Amuri's father-in-law (see para. 168 above). According to ex-combatants and Congolese intelligence officers, an important Baraka-based businessman, "Boulbol", purchases large amounts of gold from the movement and provides it with flour. Commercial actors in Kigoma confirmed that "Boulbol" sold large amounts of gold in the Republic of Tanzania and returned with foodstuffs (see annex 41). One of "Boulbol's" 20 commissioners indicated that he was the largest buyer working in areas controlled by the rebels.

189. Other contributions come from refugee camps in the United Republic of Tanzania, where, according to Emanga, the majority of the camp population have family members within Mai Mai. While in Kigoma, the Group spoke with a PARC focal point at the Kasulu refugee camp who stated that the Bembe communities viewed the rebels as a protection against the former members of PARECO, FRF and CNDP now deployed in Fizi.

B. Nduma Defence for Congo (Mai Mai Sheka)

190. Nduma Defence for Congo, otherwise known as Mai Mai Sheka, is a majority ethnic Nyanga Congolese armed group founded in 2009 by a former civilian mineral trader, Sheka Ntabo Ntaberi.[66] According to NDC documents obtained by the Group, NDC has 32 officers (see annex 42), and a total of around 100 combatants. The most senior positions are held by "Colonel" Shimiray Guidon (intelligence) (see annex 43), who is Sheka's deputy commander, and "Colonel" Gilbert Bwira, NDC chief of intelligence.

191. In 2011, Sheka has entertained Government requests that he negotiate his integration into FARDC. General Amisi "Tango 4" Kumba[67] (see paras. 205, 453, 469, 471 and 514 below) met with a delegation of NDC officers and its spokesperson, Sheka's uncle, Bosco Katende (see paras. 203, 208 and 214 below) in October 2010. Nevertheless, the delegates' approval of the Government offer was overridden by Sheka's insistence on specific modalities, according to internal NDC documents obtained by the Group. In February 2011, the North Kivu Governor's Office reached out to Sheka by organizing a joint meeting in Mutongo with MONUSCO, FARDC and Government representatives in order to discuss his demands. Nothing has been achieved through those efforts, according to former combatants, owing in part to Sheka's fears over the judicial consequences of his command responsibility for the Kibua-Luvungi rapes of July to August 2010,[68] leading him to seek an amnesty as a top priority (see annex 44).

192. During the Group's current mandate, Sheka has not been the object of any FARDC military operation, nor has it conducted any large-scale pillaging attacks on civilian villages or mining towns as it routinely did in Bisie, Mubi, Njingala, Kilambo and Omate in 2009 and 2010. Nevertheless, NDC troops were thoroughly defeated in a series of attacks by the majority ethnic Hunde rebels of the Alliance des patriotes pour un Congo libre et souverain (APCLS) during the month of June (see para. 231).

Exploitation of natural resources

193. A former mining-pit manager in Bisie[69] (see paras. 212, 218, 432, 433 and 448-453 below), Sheka has continued to be involved in the Kivus' largest artisanal tin ore mine, notably through Major Mitamba, one of his middlemen. Mining authorities of the Democratic Republic of the Congo informed the Group that a mine manager named Ramazani was responsible for maintaining liaison with Sheka to ensure that an appropriate amount of taxes were paid to Sheka and his allied customary chiefs. NDC combatants have collected these funds, as well as forced contributions from miners, on multiple occasions this year. Sheka himself, along with more than 70 combatants, half of whom were members of FDLR, arrived in Bisie on 7 August. Claiming that he would soon integrate into FARDC, Sheka declared that he was cancelling all State taxes except those on merchandise entering

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[66] S/2011/345, paras. 33-45; S/2010/596, paras. 34-43 and 203 and box 4; and S/2009/603, para. 220.

[67] S/2010/596, paras. 196-205, 219 and 247, box 7 and annexes 30 and 31.

[68] S/2010/596, paras. 41 and 141 and box 4.

[69] S/2011/345, paras. 45 and 64; S/2009/603, paras. 200-205, 212, 213 and 216-227 and annexes 67, 69 and 77; and S/2010/596, paras. 35-38 and 188-196, box 4 and annexes 27-29.

the mine, and demanded that the standard 10 per cent tax be channelled to customary leaders. One individual testified to having been personally tortured by Sheka for more than three hours for failing to comply with those orders. After four days, Sheka proceeded to visit the mines and held private audiences with everyone involved in the trade. He then installed a one-off tax of $50 per restaurant, and another of 20,000 Congolese francs per mineral trader or digger.[70]

194. Furthermore, according to mineral traders, Sheka's soldiers took advantage of the tin ore miners' unfamiliarity with gold and proceeded to sell more than 1 kg of counterfeit gold at 30,000 Congolese francs[71] per gram, nearly half the price charged at Mubi. Two hours after Sheka had departed from Bisie, a larger unit of FDLR returned and took hostage all State agents in the locality, including two mining police officers. One was soon released, while the other was taken to Omate by Sheka, who demanded that FARDC release his wives in exchange for the police officer (see para. 212 below).

195. Sheka had sought to take control over the hills of "Mabusa" near Kaseke and "Kasindi" near Misoke, south of Pinga, where high-quality tin ore deposits were discovered in July 2009. Kamwenda Furaha stated to the Group that he was the owner of the latter mine, but had been driven out by APCLS. As a result, Kamwenda, backed by local chief Pilipili Furaha, decided to support NDC in helping him to attack APCLS and regain his mine near Misoke Sheka subsequently made public declarations that these mines should be mined by native Nyangas. The Group obtained written instructions to an NDC combatant concerning the retrieval of four and a half boxes of ammunition for NDC, citing both Pilipili and Kamwenda as organizers of the operation (see annex 45).

196. NDC controls more than 30 remote gold mines throughout Ihana and Utunda *groupements* north of the Goma-Walikale axis,[72] where diggers work and produce gold directly for the groups. NDC also imposes an additional production tax of either 10 per cent of output or a fixed amount of gold per an allotted period of time. In addition, NDC ensures the payment of customary taxes to traditional leaders who support it. In exchange for the support of FDLR, NDC provides tax exemptions to the commercial network of FDLR traders who transport and sell diverse merchandise in the mines for much higher profit than would be realized from simply purchasing or digging for minerals (see paras. 86-92 above).

197. Socagrimines, a mining company operating in the large gold mine of Omate[73] (see paras. 513-521 below), has reached an agreement with Sheka in exchange for security guarantees. According to the local population, "Colonels" Alba and Guidon have asked miners at Omate to pay weekly quotas of gold. Congolese civilian intelligence officers also informed the Group that NDC maintained its own mining pits at Omate, where "Colonel Alba" received all of the production. Socagrimines is also present at the Mungwe mine east of Omate, where NDC has an established presence.

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[70] While only about two fifths of the previous numbers of diggers have been in Bisie since the resumption of mining activities on 10 March 2011, mining authorities estimate that there are still more than 2,000 miners and shop owners there.

[71] About $33.

[72] These sites include Wango, Irameso, Monjoli, Changwangu, Maywano, Kinchimbe, Bisagowa, Myanga, Bambua, Kingwe, Machacha, Muchele, Kalaibwingi and Kanyama.

[73] S/2010/596, paras. 197-202.

198. Between Luvungi and Kibua, the site of the mass rape in Walikale perpetrated by the Sheka-FPLC-FDLR alliance in July and August 2011,[74] NDC combatants are able to freely sell their gold. On the basis of price comparisons between the mines and the towns along the Goma-Walikale axis, the Group estimates that by travelling to the Kibua and Luvungi markets to sell their gold and return with merchandise, NDC combatants are able to increase their profits by more than 50 per cent.

199. While most of the financial profits of NDC are drawn from the gold trade and the extortion of tin ore traders at Bisie and the small mine of Kanyama, the Group has found that Sheka also controls a number of diamond-mining locations north of the Osso River. In an interview with the Group, NDC spokesperson Katenda stated that he was the owner of a diamond mine called Angoa along the Osso River. While diamond production can be sporadic, profit margins are high.[75]

200. Prior to his arrest in August 2011, NDC spokesperson Katenda admitted to the Group that he had sold the $1,400 worth of gold given to him by Sheka to a gold dealer named Akilo[76] in Mubi. In subsequent interviews with the Group, Akilo revealed that he had purchased gold from all the mines controlled by NDC, and had sold it to Etablissement Namukaya in Bukavu (see para. 179 above, paras. 357, 512, 521, 531, 536 and 545 below and box 4). Akilo also stated that Namukaya asked about nothing more than the quantity of gold that one was selling.

Supporters within the Forces armées de la République démocratique du Congo

201. The 8th Military Region Deputy Commander, Colonel Etienne Bindu,[77] remains a critical supporter of NDC. Ex-combatants confirmed the Group's previous findings that Bindu had played an instrumental role in the creation of NDC; one source indicated that the initial planning meetings for the armed group had been held in Bindu's home in Goma early in 2009. When Sheka subsequently departed from Goma, Bindu instructed his brother Major Morgan to support Sheka's initial efforts by sending some of his personal escorts to join the movement. One former rebel stated that Bindu had provided Sheka with a Motorola device on the same frequency as his own, and later with a Thuraya satellite telephone. The same source stated that throughout the activities of NDC, Bindu would supply the rebels with intelligence on FARDC operations in Walikale so that they would be able to set up ambushes against them. In internal documents obtained by the Group, Sheka refers to Bindu as someone who recommended specific officers whom he should trust (see annex 46).

202. Another ex-combatant stated that during 2010, NDC had sent female collaborators to obtain weapons and ammunition from Bindu on three occasions. On the first occasion, Bindu had provided three PKM rifles, five M60 mortars and 20 AK-47 assault rifles. Each time, Bindu had been compensated in gold brought from NDC-controlled mines, although the same source indicated that Bindu had provided additional ammunition and uniforms as direct contributions. The same officer told the Group that whenever Sheka needed something, he would call Bindu, and that they spoke to each other multiple times each day.

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[74] Ibid., box 4.

[75] On multiple occasions, NDC collaborators have informed the Group that they were travelling to Kisangani, the main diamond trading town in eastern Democratic Republic of the Congo.

[76] According to FARDC sources, Akilo is Bindu's nephew, and he used to work with Sheka in Bindu's mining cooperative of Bunakina at Bisie.

[77] S/2009/603, paras. 219-222 and annexes 87 and 88; and S/2010/596, paras. 37, 195, 201 and 202.

203. According to ex-combatants and Katende, Colonel Bindu was the principal organizer of the October 2010 hostage negotiations, transporting the NDC delegation in a plane to Goma from the Kilambo airstrip near Bisie, hosting the talks in his own home in Goma, and providing officers and Katende with Thuraya telephone credits and $800 in cash. Multiple eye witnesses and Congolese intelligence officers informed the Group that in mid-June 2011, Bindu had sent an 8th Military Region vehicle to evacuate the injured NDC chief operations officer, "Lieutenant Colonel" Foudre Panda. Former NDC officers even claimed that Bindu had advised Sheka to refuse the peace deal offered by the Government.

204. During Sheka's negotiations with Geminaco[78] regarding their attempts to retake control over Omate (see paras. 513-521 below), Bindu, according to FARDC officers, instructed Major Morgan to send his soldiers in civilian clothes to remove Socagrimines from the controversial mine. When the local population apprehended his soldiers on 11 March, Morgan attempted to arrest Socagrimines representatives in Mubi. NDC collaborators interviewed by the Group at the time vehemently supported Geminaco and accused Socagrimines of collaborating with FDLR.

205. NDC has also established close collaboration with FARDC officers in charge of the FARDC base of Biruwe, known as "BAWA" The BAWA Commander is Colonel Abiti Albert (see para. 455 below), who, according to other senior officers, reports directly to General Amisi, the Commander of FARDC land forces (see para. 191 above and paras. 453, 469, 471 and 514 below). According to NDC sources, BAWA has consistently provided arms and ammunition to Sheka's rebels from its own stock. FARDC sources stated that, on multiple occasions, they had seen Sheka personally bring gold to Abiti in exchange for weapons.

206. Bosco Katenda, NDC spokesperson and Sheka's uncle (see para. 212 below), has also established a long-standing relationship with the FARDC soldiers at BAWA. FARDC soldiers indicated to the Group that Abiti's soldiers had temporarily detained Katenda in June 2011 when the latter failed to fulfil his commitments under an ammunition deal. Furthermore, the Group learned from FARDC officers that Sheka shared half of the revenue at the gold mine of Temps Présent with commanders of BAWA. At the mining site of Bambua, according to the FARDC officers, miners must provide 2 g of gold per week to both Sheka and Abiti. According to other BAWA officers interviewed by the Group, the base even ceded the gold mine of Kalaye to NDC as part of a previous arrangement with the rebels. As another indication of Sheka's collaboration with BAWA, mineral traders and FARDC officers cited the fact that, before leaving Bisie, the only tax barrier for merchandise that he authorized to remain was that of Abiti's men at a location called Chez Marie, just north of Biruwe.

207. According to close associates of NDC as well as FARDC intelligence officers, the rebels have also obtained ammunition through Lieutenant Colonel Nyongo Balingere (alias "B52"), the FARDC battalion Commander at Mubi in the 805th regiment. Furthermore, Congolese civilian intelligence officers told the Group that Captain Zidane[79] provided support to NDC through logistics officers in Balingere's battalion. Sporadic cooperation with FARDC officers and their wives throughout Walikale territory has also provided NDC with new FARDC uniforms, according to

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[78] S/2010/596, paras. 197-205 and box 4.

[79] Ibid., para. 192 and annex 29.

local villagers living in areas controlled by the group. FARDC sources and family members of Sheka stated to the Group that the chief logistics officer of NDC, Major Faustin, oversaw many of these ad hoc deals, in which the rebels typically paid 1 g of gold per uniform.

208. Finally, Colonel Ibra, the Deputy Sector Commander for Walikale and the only high-ranking ethnic Nyanga FARDC officer deployed in his home territory, has also been accused of harbouring sympathies for NDC. According to FARDC, in August three of Ibra's escorts were arrested by the military prosecutor's office for attempting to deliver two AK-47 assault rifles and an Uzi to NDC. One of the escorts, Sergeant Bamango Adolphe, was a former NDC combatant who had returned to become Ibra's escort. Furthermore, according to Katende, Ibra personally provided escorts in Kibua for the 2010 NDC delegation to Goma.

Alliances with other armed groups

209. Since its creation, Sheka's NDC has been propped up by FDLR. Not only are FDLR combatants co-located with all NDC rebels throughout Ihana and Utunda *groupements* in Walikale territory, but Montana battalion commander Evariste "Sadiki" Kwanzeguhera assigned his most trusted non-commissioned officer, Sergeant Major Lionso Karangwa (see para. 86 below), to act as liaison chief. In an interview conducted by the Group, the latter confirmed that he was often referred to as "Cordo", as in "Coordinator", of the alliance with Sheka. In fact, Karangwa admitted that, in the light of Sheka's lack of military experience, he was often the de facto commander of the NDC combatants who accompanied them during operations. Karangwa confirmed for the Group that early in 2011, a satellite telephone through which the Group had previously communicated with Sheka had been handed over to him, adding that he was the only non-commissioned officer in FDLR to possess a satellite telephone. Throughout NDC meeting notes obtained by the Group, Sheka consistently addresses FDLR commanders Sadiki and Omega with respect, referring to them as "advisers" on crucial decisions. In the same notes, Sheka mentions weapons and ammunition supplies provided to the rebels by FDLR (see annex 47). Nevertheless, as noted in the Group's interim report, Sheka's alliance with FDLR has often been strained when he has publicly discussed his desire to integrate into FARDC or to become a civilian politician.

210. According to meeting notes obtained by the Group, on 30 May 2011, in the area around Ntoto, Sheka met with Akilimali, Limenzi (see para. 295 below) and other individuals who had split from Mai Mai Kifuafua (see annex 48). Upon reaching an agreement and establishing a new umbrella group for all Congolese armed groups in Walikale, Akilimali went to convince "General" Janvier Buingo that APCLS should join (see paras. 219-242 below). Feeling threatened by the initiative, Buingo not only refused to join it, but also attacked NDC in order to dismantle the fledgling coalition.

Other forms of support

211. The Group has obtained significant evidence demonstrating that the mining company Geminaco[80] has sought to use NDC to dislodge its rival Socagrimines from the controversial gold mine of Omate (see paras. 513-521 below). Having

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[80] Ibid., paras. 197-205.

received two satellite telephones, Sheka demanded $5,000 to help install Geminaco in Omate. However, in the face of widespread support for Socagrimines in Omate, Sheka eventually decided to withdraw from his deal with Geminaco and sought to benefit from contributions from the current context in Omate. When Geminaco controlled Omate in 2010, according to ex-combatants, all mining profits were shared among Sheka, FARDC, Geminaco and the owners of the mining pits.

212. Sheka's immediate and extended family plays an important role in the support networks for NDC. His uncle, Bosco Katenda, the spokesperson for the movement, was arrested on 4 August in Mubi, along with Sheka's younger brother Soki Ntaberi and his two wives, Francine and Celine. According to FARDC intelligence officers and members of local civil society, Sheka's uncle Katenda played a crucial role in collecting contributions for the movement in multiple mines, procuring weapons and ammunition with FARDC contacts (see paras. 202-208 above) and transporting medicine to the combatants. According to other NDC collaborators, Katenda's oldest son, Jerome, often travels to Omate, Bisie, Temps Présent, Wanyarukle and Kayenokana to retrieve a share of the profits for the family. FARDC officers described to the Group how Katenda also purchased gold from five mines out of a house in Mpofi. According to other family members, Sheka's brothers Soki and Morto oversaw much of the movement's political and commercial contacts in Goma, including a bank account at COOPEC, a credit cooperative.[81]

213. On 28 June, according to local sources, Sheka asked all customary chiefs in the area controlled by NDC to contribute ammunition to the movement, criticizing his fellow Nyanga for allowing the Hunde to provide more military support to APCLS than they had for NDC during the previous weeks of combat. According to internal documents obtained by the Group, Sheka also sought weapons and ammunitions from contacts in Uganda, although the Group was not able to find any evidence of such support (see annex 49).

214. Another clandestine supporter of NDC is the Walikale territorial administrator. An ex-combatant described the administrator, Dieudonné Tshishiku Mutoke, as a key ally of NDC, and a family member called him a critical "sensitizer" for the group, the same term that he applied to NDC spokesperson Bosco Katende and other known political members of the armed group.

Political supporters

215. Preparations for national and local elections constituted a critical cause of the escalating tensions between NDC and APCLS prior to the confrontations (see para. 231 below). Politicians from both Masisi and Walikale territories sought to maximize the registration of their electorate in order to increase the overall number of seats for their territories in the National and Provincial Assemblies. As a result, the Group has concluded that both armed groups, which had tenuously cohabitated in Ihana *groupement* in Walikale on the border with Masisi, sought to affect voter registration in order to enhance or diminish the power of rival armed group leaders, national and provincial politicians, and customary chiefs.

216. Early in 2011, Nyanga politician Willy Mishiki founded the political party UHANA, which would undoubtedly receive the support of NDC, according to local leaders in Ihana *groupement*. Nyanga civilians interviewed in Mutongo told the

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[81] At the time of reporting, COOPEC had not responded to a request for access to this account.

Group, "If we cannot register, it will be a big loss for our deputies". The same sources, together with internal NDC documents obtained by the Group, confirmed that Mishiki had already begun campaigning in Mutongo, his native village and envisaged electoral registration site, and had met with the rebels in April 2011 to discuss the mineral trade and the electoral process (see annex 50). Mishiki's presence had already created tensions with APCLS, which viewed Nyanga political or customary leadership in Ihana *groupement* in Walikale territory as a threat to its control of areas outside Masisi territory. In September 2011, Mishiki acknowledged to the Group that Sheka would be supporting his campaign. Mishiki spoke with Sheka nine times between 18 and 23 August, according to telephone records obtained by the Group through official channels (see annex 51).[82]

217. Despite all their preparations, according to statistics of the Independent National Election Commission, as a result of more than 200 per cent registration in places such as Nyiragongo territory, the number of Walikale's seats in the National Assembly was reduced from four to two. Owing to the failure to increase the number of legislative seats in Walikale, Sheka decided to register his candidacy on 11 September.

Recruitment

218. In the wake of his defeat in combat by APCLS (see para. 231 below), and seeking to take advantage of widespread outrage against the "Hunde aggressors" among the internally displaced population, Sheka stepped up recruitment efforts during the months of August and September. According to members of local civil society, Sheka's chief logistics officer, Major Faustin Mangala, has been in charge of these efforts, promising one motorcycle for every five youths who enlist. Furthermore, United Nations sources indicate that Guidon has been offering more than $150 for new recruits. Mining authorities, FARDC officers and local leaders have reported a recruitment wave in Irameso, Omate and Bisie, with some 50 new combatants undergoing FDLR-led training near Mayuwano, east of Omate (see paras. 513-521 below).

C. Alliance des patriotes pour un Congo libre et souverain

219. APCLS is an ethnic Hunde armed group led by "General" Janvier Buingo Karairi.[83] Buingo's secretary-general is "Colonel" Jeff, and his chief of operations is "Colonel" Karara Mukandirwa (see paras. 230 and 640 below). The chief of intelligence is "Major" Gédéon, and Buingo's own son "Colonel" Shaba Deux is an APCLS brigade commander. APCLS is the strongest Mai Mai group in North Kivu, mobilizing its forces on the basis of popular resistance to Tutsi refugee returns, traditional land rights, and defence against the expansion of the Tutsi and Hutu

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[82] While the Group cannot confirm any of the content of these communications, it believes that such evidence serves to confirm allegations of collusion between Sheka and Mishiki.

[83] Buingo's headquarters have been located in Lukweti since mid-2009, when FARDC operations against APCLS led to the killing of civilians (S/2009/603, paras. 313 and 367). Prior to the founding of APCLS, Buingo was a member of the Coalition des patriotes résistants congolais (PARECO) during its conflict with CNDP in 2007 and 2008. Along with other factions of PARECO, APCLS was intended to be integrated into FARDC early in 2009. Buingo refused integration, however, alleging that the Congolese authorities could not guarantee security of land tenure for Hunde.

dominance in Masisi territory. Hunde communities have felt threatened by the expanding power and dominance of the ex-CNDP-led FARDC units based east of Lukweti in Kitchanga (see paras. 315-320 below). As a result, APCLS has had to move progressively westward towards Walikale territory, where it has enhanced access to economic resources and greater freedom of movement.

220. APCLS is estimated by United Nations sources to number around 250 to 300 combatants, divided into three "brigades" based on the routes north, south, east and west of Lukweti, controlling the localities between Kilambo, Mutongo and Misao to the west and Buboa, Butsindo and Buhato to the east. While APCLS enjoys very positive relations with the local Hunde population and is popular in towns such as Nyabiondo, its relations with the local population in Pinga to the north are not as good. Nevertheless, for taxation and defence purposes, the Hunde rebels have controlled the main road south from Pinga and, according to United Nations sources, have sought to block the repair of the bridge at Birutu by an international non-governmental organization out of fear that it would lead to FARDC deployments into their territories. During a rotation of battalions at Pinga early in February, Mukandirwa arrived in Pinga with 12 soldiers to demonstrate his presence and power to the local Nyanga population.

Political supporters

221. Unlike other active armed groups in the Kivus, APCLS is a registered political party, led officially by the former national Vice-Minister of Finance Hangi Binini. The party has not been very active over the past two years, and national deputy Bakungu Mitondeke has increasingly assumed political leadership of the rebels (see para. 237 below). According to civilian intelligence officers from Masisi territory, Mitondeke has not only provided Buingo with weapons, but has also repeatedly advised him against integrating his forces into FARDC. The Group found that Mitondeke and Buingo had communicated on at least 13 occasions between 24 May and 3 September (see annex 52).

222. Like NDC, APCLS and its political sponsors sought to affect the allocation of legislative seats by increasing enrolment in the territory of Masisi, where limited Hunde representation is threatened by the increasing strength of Hunde and Tutsi politicians of CNDP and UCP (see para. 112 above and paras. 265, 314 and 632 below). Central to this strategy was ensuring the arrival of the electoral registration kit in Lukweti, which had not originally been envisaged in Election Commission planning. However, in June 2011, following the APCLS operations against NDC at Misao, an election registration centre was established at Lukweti. The Group visited the site with APCLS combatants, including "General" Buingo. The centre was clearly a source of pride for APCLS (see annex 53).

223. Other politicians reported to have supported this strategy are Lutaichirwa Feller, the Vice-Governor of North Kivu, and national deputy Shems Simiwa. Local leaders from Walikale also accuse Mwami Bahati Kahembe, an unelected member of the North Kivu Provincial Assembly, who has been driven from his customary capital at Kitchanga by the expanding local power of CNDP. In addition, call records show that Bahati has held limited telephone conversations with Buingo.

224. APCLS has been adamantly opposed to Willy Mishiki's political ambitions in Ihana *groupement*. While the Group observed the UHANA flag being flown along the main road from Nyabiondo to Walikale, according to displaced persons in

Kibua, APCLS would not allow UHANA flags to be flown (see para. 216 above). In April, Sheka addressed a letter to FDLR and APCLS requesting their support in facilitating the work of the Election Commission in the area of Mutongo (see annex 54). Two days later, APCLS leader Buingo responded ambiguously, but reiterated that Mutongo remained within their area of control (see annex 55).

225. According to Election Commission representatives, the registration kit was scheduled to arrive in Mutongo in June 2011. Given its proximity to Lukweti (12 km), the headquarters of APCLS, the Hunde rebels wanted to punish Mishiki and the Nyanga and to force the population of Ihana *groupement* to register in Masisi. Not only did the violent combat between the two armed groups prevent the electoral kit from arriving in Mutongo, but the APCLS attacks also disrupted voter registration at Misao. Prior to the Hunde rebels' arrival in Misao, electoral registration officials were forced to flee, signing over two computers to Sheka himself as part of the registration kit. Prior to the arrival of APCLS in Misao, according to displaced persons interviewed by the Group in Mutongo, Sheka ordered the Election Commission to rapidly register as many people as possible, including FDLR combatants.

226. When APCLS ultimately reached Misao, according to displaced persons and FDLR combatants who witnessed the attacks, the Hunde rebels destroyed the remaining elements of the kit. In a subsequent letter to the head of the Election Commission in Walikale, Sheka accused APCLS of seeking to destroy the electoral kit at Misao in order to impede the enrolment in Walikale (see annex 56). Local leaders argued to the Group that this was a strategy aimed at punishing the politicians in Walikale who had opposed the APCLS expansion into the territory so that they would have less chance of being elected, owing to the fact that Walikale would have fewer legislative seats.

Exploitation of natural resources

227. Buingo has adamantly denied that his troops have been involved in the mineral trade, citing the absence of mines in the area surrounding APCLS headquarters in Lukweti. However, the Group has found considerable evidence that the Hunde rebels have profited from natural resources in neighbouring Ihana *groupement* in Walikale territory, where armed APCLS combatants impose a 10 per cent tax on all production at the mines of Karobe, Twamakuru and Kahande, around Misao. It is not clear whether APCLS has to share a percentage of its taxation revenue with FDLR or whether all these profits go straight to Buingo in Lukweti, as alleged by FDLR. The same sources reported to the Group that gold controlled by APCLS was never sold in local markets, but was brought to Goma for sale at a higher profit margin by couriers, including Buingo's brother, Pastor Jacques.

228. In interviews with the latter, the Group learned that "General" Buingo had a bank account at the savings cooperative COOPEC in Goma. Prior to travelling to Lukweti with him, the Group witnessed Jacques withdrawing funds from COOPEC to bring to Buingo. According to telephone records for one of Buingo's multiple numbers, the APCLS commander spoke with his brother on 158 occasions between 25 May and 16 September. During the same period, Buingo communicated 79 times with his Goma-based liaison officer, Colonel Balume, another of his sources of logistical support.

229. According to local officials in the villages of Kaseke and Misoke, APCLS took control over high-quality tin ore deposits when they were discovered in 2009, driving away the customary chiefs who had made claims to the land (see para. 195 above). This has been highlighted as one of multiple factors exacerbating latent tensions between APCLS and NDC prior to the violent confrontations between the two armed groups in June.

Abuses

230. "Colonel" Mukandirwa is widely known to be one of the most abusive of the APCLS combatants (see annex 57). During one of its visits to areas controlled by APCLS, Mukandirwa detained a member of the Group for 17 hours in his camp and openly threatened to physically harm him. Earlier in the year, on 13 January, Mukandirwa had personally fired live rounds in the general direction of a delegation of United Nations staff in Pinga. United Nations sources also indicated that he and more than 10 others of his combatants had occupied the mine of Bibasirwa from 2 to 6 March, where they had looted property and an alleged 29 g of gold from local traders.

231. After the arrest of two NDC police officers by APCLS during a visit carried out by Sheka to the nearby village of Maninge, NDC troops retaliated by attacking the APCLS police on 9 June 2011 at Mutongo, killing four. APCLS subsequently mounted a counteroffensive against NDC to drive it and the entire Nyanga population out of Mutongo and Kaseke, on 10 April. According to interviews in Lukweti with Buingo, the APCLS pursued the fleeing rebels the following day to Sheka's headquarters at Mianga and proceeded to chase them even further towards Maninge on 12 June. Following a day of rest at Maninge during which, the Group believes, APCLS *cadres* in the nearby village of Miti II perpetrated rapes, APCLS attacked the village of Misao on 14 June (see paras. 639-640 below). After a couple of days of fighting in which FDLR protected NDC from being completely overrun, APCLS retreated to Maninge, and Sheka eventually returned to Irameso, travelling on to Mayano near the Omate mine.

232. In two separate meetings with the Group in Lukweti, Buingo vehemently denied the allegations of rape and torture committed by his units during combat operations, claiming that they had been part of a scheme orchestrated by deputy Willy Mishiki in order to discredit and undermine the legitimacy of his movement. On 1 July, Buingo addressed a letter to the Security Council officially denying the allegations that APCLS had been responsible for raping women during the Mutongo crisis (see annex 58).

Alliances with other armed groups

233. APCLS cohabits with FDLR and has often relied on its weapons and reinforcements to defend against multiple offensives by CNDP-led troops within FARDC, the latest of which was carried out in December 2010. Nevertheless, APCLS has increasingly become reticent towards the Rwandan Hutu rebels because of their perceived partiality towards Sheka, who Buingo claims is "a puppet" of FDLR. FDLR officers told the Group that they were forced to protect NDC from APCLS in order to preserve the former as a vital economic partner.

234. Despite the tax revenue of APCLS, its overall economic resources and commercial networks are extremely limited in comparison with those of Sheka. Two

senior former APCLS officers, "Lieutenant Colonel" Foudre Panda, a former "brigade" commander, and "Colonel" Babo, deserted to join NDC in 2011, leading to tremendous tension between the two armed groups.

235. According to FDLR, the members of APCLS suffer from a typical "Mai Mai inferiority complex" because they have achieved high ranks without any basic levels of education or training, with Buingo himself having completed only the equivalent of the eighth grade. APCLS nonetheless continues to cohabit with FDLR out of their common strategic interest of defending against FARDC operations, whether the group likes it or not.[84] Other than FDLR, APCLS does not cooperate with any armed groups.

Other sources of financial support

236. APCLS also manages an organized system of taxation of the population in the villages under its control. The "administrator" of the system, Farine Pierre, even gives out tax receipts bearing an APCLS stamp, copies of which were obtained by the Group (see annex 59). In addition to roadblocks, Pierre taxes hunting licenses, palm oil mills, rights to fishing ponds and other economic activities. As previously reported by the Group, APCLS continues to impose a tax of 500 Congolese francs on all entries and exits on both market days every week at Mutongo, the capital of Ihana *groupement*, where up to 400 sellers and 1,000 buyers usually gather (see annex 60). This would represent average profits of $5,600 per month for APCLS. Futhermore, the local population in Mutongo decried regular arbitrary arrests and extortion by local APCLS police. As many of these taxes are traditionally understood to be the prerogative of the customary leadership in Ihana *groupement*, this practice by APCLS has damaged its relationship with the local population.

Arms procurement

237. According to former APCLS combatants, APCLS holds a weapons stockpile at its headquarters in Lukweti that includes three 60mm mortars, and multiple PKM, MAG, FAL and AK-47 rifles, as well as an assortment of rocket-propelled grenades. During combat operations against NDC, FDLR officers present in the area indicated that APCLS was significantly better equipped with ammunition. These same officers, who have cohabited with APCLS and cooperated alongside its positions for more than two years, pointed to Bakungu Mitondeke, a national deputy from Masisi territory, as the principal source of weapons and ammunition for APCLS, by means of shipments transported by the wives of FARDC members. Congolese civilian intelligence officers in Masisi and local leaders also confirmed Mitondeke's support for APCLS. According to telephone records for one of Buingo's telephone numbers examined by the Group, Mitondeke communicated 13 times with him between 24 May and 1 September.[85]

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[84] In this regard, one high-ranking Hunde officer told the Group, "We are all hypocrites here."

[85] While the Group cannot confirm the content of any of these communications, it believes that such evidence serves to confirm allegations of collusion between Buingo and Mitondeke.

D. Forces patriotiques pour la libération du Congo

238. As stated by the Group in its interim report (S/2011/345), FPLC is more important symbolically than militarily, as the movement's most notorious members are disgruntled ex-CNDP Nkundists dissatisfied with General Bosco Ntaganda's takeover of CNDP[86] (see paras. 279, 297-313, 443-445, 460-465, 485-487, 498-504, 530, 542, 547, 569, 571 and 597-631 below) and with the rapprochement between Kinshasa and Kigali. FARDC and RDF operations (see para. 116 above) against armed groups in northern Rutshuru have weakened FPLC. Lieutenant Colonel Emmanuel Nsengyumva, a main figure of FPLC, was assassinated in February 2011 by his bodyguard. According to several ex-CNDP officers and FPLC elements, Ntaganda organized the elimination of Colonel Nsengyumva at the request of Rwanda. An FARDC officer close to Ntaganda stated that the bodyguard had received $2,000 before carrying out the task and additional money upon its completion. The Group later confirmed that Nsengyumva's former bodyguard resided in Kigali.

239. The Group has determined that many of those who had deserted alongside Nsengyumva in 2009 have been slowly reintegrated into a special battalion known as "*Bataillon insurgé*" in Masisi and placed under the command of Major Gaston Buhungu, a commander loyal to Ntaganda.

240. According to FARDC and ex-CNDP officers, following pressure from Kigali, ex-CNDP officers persuaded Major Patient Akilimali[87] to surrender. Early in April 2011, Akilimali surrendered alongside 39 FPLC elements. Akilimali was integrated, together with his elements, into an FARDC regiment at Ngungu composed mostly of Ntaganda loyalists. Efforts to neutralize FPLC continued with the killing in Kisoro, Uganda, of two FPLC members, Patrice Habarurema and Olivier Lukumbuko, both former CNDP *cadres*, who had been suspected of carrying out recruitment on behalf of FPLC.[88]

241. FPLC sources indicated that several FPLC members had gone into hiding in Uganda as a result of joint operations against them and had renewed ties between the Ntaganda and Nkunda branches of CNDP. "Colonel" Charles Gihumbi, also an ex-CNDP FARDC officer loyal to Nkunda, had attempted to reorganize the movement. FPLC commanders had renamed the group, consecutively, Rassemblement national pour la libération du Congo, Mouvement orange pour la révolution populaire (see annex 61) and, most recently, Union des forces républicaines pour la stabilité et le développement.

242. To create a wider platform for recruitment, FPLC commanders have encouraged members of various ethnicities to align themselves with the group. As a result, "General" Bisungu, an ethnic Tembo, and Aimé Munyakazi, an ethnic Hutu, have become members of FPLC. According to former FPLC elements, since the departure of Ngabo Gadi,[89] one of the candidates for his replacement has been

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[86] Ntaganda was designated for a travel ban and assets freeze on 7 November 2007; see S/2008/773, paras. 18 and 67; S/2009/603, paras. 21, 183-189 and 193 and annexes 62 and 124; and S/2010/596, paras. 43, 50, 153-167, 172, 192, 194, 238, 239, 252 and 274 and annex 2.

[87] Akilimali is a former battalion commander who deserted FARDC in October 2010.

[88] Patrice Habarurema had been arrested in 2010 in Rwanda after an attempt to create CNDP rénové, opposing CNDP members led by General Bosco Ntaganda.

[89] S/2010/596, paras. 19 and 50-59 and annex 2.

Bizagwira Muhindi, a leader of PARECO Hutus from the Numbi highlands in South Kivu Province and the leader of the new armed group Nyatura. In an interview with the Group, Bizagwira said that he had allied himself with FPLC because he opposed the close collaboration between the Democratic Republic of the Congo and Rwanda, as well as Ntaganda's monopoly over FARDC in the east, in which former PARECO commanders are sidelined in favour of CNDP (see paras. 325-327 below).

E. Armée de résistance populaire

243. Since the 27 February 2011 attacks on President Kabila's residence in Kinshasa, the Group has investigated the financing and mobilization of the Armée de résistance populaire (ARP), led by the former Chief of Staff of the Congolese army, General Faustin Munene, who fled Kinshasa for Brazzaville in October 2010.[90] Early in October 2011, following a lengthy period of silence, a small attack in Lukolela, Equateur Province, was carried out in which combatants were apprehended with documents referring to Munene.

244. The Group has met with diaspora members of the South Africa-based non-governmental organization, the Conscience Action Forum of Initiatives in the Development of Africa, which declared itself to be a mouthpiece for ARP (see annex 62). Forum representatives told the Group that ARP had not recruited any combatants beyond those officers within FARDC still loyal to Munene. They also claimed that Munene was no longer present in the Congo, but rather was in a third country, seeking medical care. This report was corroborated by official sources in the Congo consulted by the Group outside Brazzaville. Furthermore, Forum representatives claimed that their movement would instruct its followers to boycott the elections and prepare for post-electoral instability. In the light of the prevailing political climate in the western part of the Democratic Republic of the Congo, the Group is concerned about the potential for a fledgling organization such as ARP to take advantage of the post-electoral period in order to contest the credibility of the process.

245. On three occasions, the Group has written to the authorities of the Congo requesting cooperation in its investigation regarding not only Munene, but also Udjani Mangbama, a former rebel previously based in Equateur, who has allegedly been under arrest since 4 May 2010 in Brazzaville. While the receipt of all of its correspondence has been acknowledged in writing, the Government of the Congo has failed to respond to any of the Group's requests for information and to facilitate a formal visit to Brazzaville to enable the Group to cooperate with its security services. Given this lack of cooperation, the Group has not been able to reach any conclusions regarding the activities of General Munene or ARP.

F. Other groups

1. Mai Mai Simba

246. Mai Mai Simba is the oldest Congolese armed group active in the Democratic Republic of the Congo today, with its origins dating back to the Mulele revolution in 1964. Ex-combatants claim that the official name of their movement is Armée

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[90] S/2011/345, paras. 46 and 47.

populaire de libération nationale congolaise-Lumumba. With strong local roots in Lubutu territory in Maniema Province, the same sources indicate that their political leader, Ubandako Petro William, maintains contacts with former Lumumbist revolutionaries in Kinshasa.

247. Mai Mai Simba is based in the mineral-rich forests of the Maiko Park, with positions extending across North Kivu, Maniema and Orientale Provinces. Led by "General" Mando Mazero, the group numbers between 200 and 300 combatants. They have been avid poachers of elephants, having supplied Kisangani with large quantities of ivory for decades.[91]

248. The illegal exploitation of tin ore, gold and diamond deposits within Maiko National Park is another main focus of Mai Mai Simba. According to former combatants of the group, it directly exploits and indirectly taxes natural resources within the Park.[92] According to the same sources, Mai Mai Simba also collaborates with the Mai Mai group of "Colonel" Luc near the important mining zone of Oninga, in northern Walikale (see para. 90 above and para. 266 below). According to United Nations observers, the group has disputed control over certain Walikale mines outside Maiko National Park with Sheka's NDC, notably at Sous-Sol.

249. Mai Mai Simba's principal mineral trading partners travel to the Park through Manguredjipa, in western Lubero[93] (see para. 564 below), from Butembo. Mineral traders confirmed to the Group that the majority of minerals arriving in Butembo originated from this general area of Manguredjipa and Maiko National Park. All of Mai Mai Simba's gold is also taxed by FARDC criminal networks operating under the direction of Beni sector Commander Colonel Eric Ruhorimbere (see para. 52), who has deployed small units tasked with erecting roadblocks along the road from Butembo to Manguredjipa. Mineral traders concur that after reaching Butembo, all the gold purchased from areas under the control of Mai Mai Simba is eventually sold to buyers in Kampala, notably Rajendra, formerly of Machanga Limited[94] (see para. 512 below).

250. As it did with NDC (see paras. 205 and 206 above), the Group has uncovered significant evidence that criminal networks from the BAWA military base in Biruwe, Walikale, collaborate closely with Mai Mai Simba and provide it with weapons and ammunition in exchange for minerals. According to military prosecutors, on 19 May soldiers stopped two officers on a motorcycle carrying several boxes of ammunition on its way to Mai Mai Simba positions. When both officers were arrested, they were found to have in their possession lists of prices in gold for various types of arms and ammunition (see annex 63).

251. According to the BAWA commander, the soldiers there have not participated in any military operations in the Kivus since their original deployment to Biruwe, in 2008. Nevertheless, lower-ranking officers confirmed to the Group that the military base had been supplied repeatedly with ammunition and weapons from Kisangani, most recently in November 2010, when two fully loaded trucks had been delivered to Biruwe.

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[91] According to Kenyan customs officials and police, a Chinese citizen was arrested in Nairobi in 2009 while travelling on a flight from Kisangani with more than 700 kg of ivory destined for Thailand, estimated to have a market value of roughly $700,000.

[92] At Balobe, Elonga, Kitona, Mbudju, Abolembe, Messa, Otembo, Amoukani and Nkenya.

[93] S/2010/596, paras. 243 and 244.

[94] The Committee designated Machanga Limited for a travel ban and assets freeze on 29 March 2007; see S/2008/773, paras. 91-93, 101 and 192; and S/2009/603, para. 133, box 1 and annex 52.

2. Local defence forces (Lemera)

252. During its investigations, the Group found that several cases of arms had been recycled from one armed group to another, in some cases with the facilitation or tacit support of FARDC soldiers or local politicians. In Lemera chiefdom, Moyen Plateau, Uvira territory, there is a local self-defence force known as Force auto-défense légitime (FAL). The membership of FAL is drawn mostly from the Bafuliro ethnic group. The Group met the leader of FAL, Molière Mutulani, who stated that the mission of FAL was to protect the people of Lemera and their property against FDLR, because the three police officers posted there were too few in number. Mutulani informed the group that FAL and FARDC collaborated in operations. FAL members wear old FARDC uniforms.

253. Members of FAL are supposed to acquire arms on their own, although they also gain access to common depots in each chiefdom intended for communal use. The Group was led to two such depots, one in Mugule village and another in Ndolera village, and was shown samples of arms and ammunition in the possession of FAL (see annex 64). The arms, comprising old but serviceable AK-47 assault rifles and automatic machine guns of the Fabrique nationale de Herstal type, were stored in the homes of FAL commanders in the villages. The ammunition was stored in groups of varying quantities in plastic bags and revealed signs of corrosion due to dampness. As a result, most of them bore markings that were barely legible, although the Group observed similarities with the head stamps of those in the possession of FARDC soldiers.

254. The Group heard from members of FAL and two other sources in the local administration that FAL had the backing of provincial deputy Mwami Ndare Simba. With Simba's authorization, FAL members collected taxes from villagers on market days to sustain their operations. The FARDC deputy operational commander in Lemera confirmed that FAL had been created and was sustained by Mwami Simba to fulfil the role of assuring the security of Lemera, especially at times when FARDC officers were in regiments or on rotation. Mutulani told the Group that Simba provided his units with weapons. He also said that when the FARDC officers returned from the regimentation process, there might be no need for the self-defence force, unless Mwami Simba decided otherwise. The Group has made repeated efforts to contact Mwami Simba, but he has refused each time.

255. Sources within FAL indicated that the group purchased arms from Mai Mai ex-combatants in the Ruzizi Plain and ammunition from FARDC sources at $80 per box of 720 rounds.

3. Local defence forces (Busumba)

256. Erasto Ntibaturana (see paras. 316-320 below), an influential Hutu figure in northern Masisi, North Kivu, who calls himself "*Chef de famille et pacificateur*" and exercises the powers of a customary chief[95] and militia leader (see annex 65). Ntibaturana was part of Eugène Serufuli's non-governmental organization Tous pour

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[95] Authorities and locals from the area said that using his powers as *Chef de famille*, Ntibaturana settles disputes and pronounces divorces. Reports indicate that Ntibaturana charges a fee of $50 to those proved wrong in a land dispute, and $300 to those proved wrong in a situation involving physical violence. After the pronouncement of a divorce, a woman proved wrong is often given to Ntibaturana's militia.

la paix et le développement (TPD) (see paras. 632 and 633 below),[96] which was sanctioned by the Committee on 1 November 2005 for illegal distribution of weapons to the local population.[97]

257. According to authorities in Masisi, Ntibaturana claims publicly that he has strong ties with authorities in Kigali and that he often travels there. Ntibaturana told the Group that he had personally met with the Rwandan authorities to request the liberation of Laurent Nkunda.

258. Ntibaturana has had a long-standing conflict with the legitimate Hunde traditional chief Mwami Bashali. Ntibaturana has been favouring Rwandophones to the detriment of ethnic Hundes. Local authorities, local civilians and police commanders said that Ntibaturana had appointed a large number of local Hutu chiefs loyal to him in northern Masisi.[98] Some of these figures have Government administration posts but are still loyal to Ntibaturana (see annex 66).

259. Ntibaturana created his own Hutu militia in 1993. Two ex-CNDP FARDC officers and a local authority reported that Ntibaturana continued to surround himself with 30 to 50 armed militia elements at Busumba. Local authorities also reported that Ntibaturana had armed his network of local chiefs.

260. Ntibaturana's powers are further reinforced by his close ties with ex-CNDP officers, including his own son, Lieutenant Colonel Gasheri Musanga, and "parallel" police. According to an ex-CNDP source, Gasheri joined CNDP with a number of Ntibaturana's militias and weapons, and was integrated into FARDC in 2009.

261. Ntibaturana collaborates with former CNDP military elements to enforce common agendas concerning elections and land ownership in Masisi. Ntibaturana has been involved in land distribution since 2001 (see annex 67), up to and including in 2011 (see paras. 315-320 below).

262. Government authorities and local populations have reported that Ntibaturana has been redistributing land at Busumba, favouring ethnic Hutus to the detriment of Hundes. Ntibaturana's significant influence in the region deprives victims of any form of recourse. Villagers from Busumba testified that Ntibaturana treated brutally landowners who had attempted to retrieve their land or to lodge complaints with regular authorities. The Group observed the injuries of one man who testified that he had been severely tortured by Ntibaturana after he had complained about a stolen field to the United Nations Human Settlements Programme (see annex 68). Several civilians from Busumba testified that Ntibaturana's policemen had killed the wife of a man whose land had been confiscated and who had complained to Government authorities, and had cut his arm. Again, according to people from Busumba, Ntibaturana refused to appear before the Government authorities in August 2011 to settle a dispute that he had with a man whose land he had previously confiscated.

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[96] In the run-up to elections, with the return of Serufuli to the political arena of the Kivus, Ntibaturana is again playing a role in promoting Rwandophones. Ntibaturana told the Group that he supported CNDP in the elections and that he had also restored ties with Tous pour la paix et le développement.

[97] See http://www.un.org/News/Press/docs/2005/sc8546.doc.htm.

[98] Samuel Karasanyi, *Chef de localité* at Mpati; Noheri at Hembe; Hafasha at Kivuye; Biloto at Kalungu; Zairois at Muhanga; Nzabaza at Kirumbu; Kanyesoko, president of the internally displaced persons' committee at Mpati; and Ndengeye, *Chef de poste* at Nyange.

263. All sources reported that a large amount of cannabis was cultivated and traded in localities under Ntibaturana's control, at Busumba, Muhanga and Kibarizo, providing Ntibaturana with large revenues, including from taxation. According to local authorities and two policemen, before each harvest cultivators pay Ntibaturana a fee of $10-20 for authorization to cultivate cannabis, and give him cannabis after each harvest, as well as $10 per sack sold. In Masisi, one sack of cannabis costs $100.

264. Two FARDC officers and a police commander told the Group that Ntibaturana himself cultivated cannabis in his fields at Busumba and transported it to Goma in his own trucks, benefiting from security provided by ex-CNDP troops under the command of Colonel Innocent Zimurinda[99] (see paras. 308, 318, 322, 556, 557, 628-631 and 647-651 below and box 2).

4. Mai Mai Mongol

265. In Masisi, Munyamariba Nyunga (see paras. 305, 314 and 632 below), another well-known Hutu leader, became the UCP (see paras. 112 and 222 above and paras. 314 and 632 below) representative for Masisi and the UCP candidate for the provincial elections. Munyamariba is the *Chef de poste d'encadrement administratif* (a local administrative position) in Mianja, central Masisi, having been appointed by Serufuli when he was a Governor early in 2000. Like Erasto in northern Masisi, Munyamariba became notorious in central Masisi for having distributed weapons in 2004 to a Hutu militia known for its killing and harassment of local Hundes.[100] Government sources reported that Munyamariba still maintained about 30 militia elements, under the name of Mai Mai Mongol, spread out in villages north of Masisi. In September, Munyamariba supported former "parallel" police head Colonel Munyentwari Zabuloni (see paras. 305-307 below) when he took up his position of PNC district commander of Masisi by force and mounted an illegal barrier to prevent the free movement of ethnic Hundes and to collect taxes (see paras. 305 and 306 below).

5. Coalition des patriotes résistants congolais-LaFontaine

266. During the month of July 2011, following several attempts by the United Nations and the Government of the Democratic Republic of the Congo to demobilize him, former PARECO commander "General" Kakule Sekuli LaFontaine (see para. 130 above and para. 558 below) fled Goma and returned to his former stronghold in Bunyatenge, southern Lubero. In the general area of Bunyatenge, LaFontaine has re-established his previous alliance with "General" Musare of RUD and has become directly involved once again in the trading of gold from important mines such as Oninga (see paras. 90 and 248 above). Traders in Butembo informed the Group that LaFontaine had very close ties with businessmen in the city to whom he sold gold directly. Furthermore, according to Congolese civilian intelligence officers, LaFontaine has sought to regain his command over the roughly 500 disparate Mai Mai groups throughout Lubero and Beni territories, which were once a part of a larger PARECO coalition against CNDP.

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[99] Zimurinda was designated for a travel ban and assets freeze on 1 December 2010; see S/2009/603, paras. 182, 186, 187, 228, 229, 322 and 264 and annex 93; and S/2010/596, paras. 55, 135, 136, 154, 161, 166, 239, 250 and 257 and box 4.

[100] MONUSCO sources reported that in May 2011, 69 families had fled from Lambula, Lubizo, Kikonda, Kishovu and Kasinga villages owing to constant harassment by Munyamariba's militia, referred to as "Mongols".

267. Some of the armed groups associated with LaFontaine include the Patriotes résistants congolais and Mai Mai Muhamba, led by Muhamba Aliaki (see para. 558 below). The latter controls a large part of the north-western coast of Lake Edward around the port village of Kyanvinyonge. In addition to poaching elephants within Virunga National Park — killing eight in 2011 alone — Mai Mai Muhamba controls the smuggling of coffee into Uganda. Provincial deputy Nzangi has been closely tied to Mai Mai Muhamba and other groups associated with PARECO-LaFontaine, as he has sought to mobilize an electorate around people living within Virunga National Park by promising to review the Park's limits. According to Park rangers and civilian intelligence officers, Nzangi has made regular financial contributions to Muhamba.

268. There have been multiple attempts to demobilize some of these armed groups in Beni and Lubero territories. In January, when "Colonel" Saperita was brought to Kinshasa to be integrated into FARDC, he was quickly replaced by "Colonel" Ngwite. As described in the Group's interim report, LaFontaine's deputy "Colonel" Jacques Safari Bulio, who had surrendered to FARDC and MONUSCO in February 2011, returned to LaFontaine's side after the demobilization programme had ceased in March.[101]

269. According to civil society leaders and intelligence officers in Butembo, LaFontaine is preparing to make the most of the pre-electoral period in order to re-establish himself as a key political and military actor in North Kivu. The same sources have indicated that LaFontaine has instructed those Mai Mai groups under his umbrella to promote opposition candidates so that he can renegotiate with a new Government. Local politicians and businessmen support LaFontaine, believing that he may constitute a counterweight to the deployment of ex-CNDP soldiers within FARDC to Beni and Lubero territories, in the "*Grand Nord*" of North Kivu province. Furthermore, Nande leaders interviewed by the Group have begun to envisage contested post-electoral scenarios in which their community will be in need of a force to defend their interests. Early in October, LaFontaine's name appeared as a signatory of a communiqué of the "Alliance Amani", along with members of other armed groups (see annex 69).

6. Mai Mai Raia Mutomboki

270. Shabunda's local self-defence forces, referred to as Raia Mutomboki, have remobilized around Lulingu during the course of the Group's mandate, following previous periods of inactivity. Outraged by widespread insecurity caused by FDLR deserters who pillage, local administrators have been pressuring the population of Shabunda personally and by radio to contribute financially to the militia. The movement was further strengthened with the arrival of a number of demobilized soldiers and deserters.[102]

271. In the absence of FARDC forces sent to regimentation centres, Raia Mutomboki has gained momentum, expanding its arsenal of rifles and rocket launchers after having begun with hunting rifles and spears. However, with the

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[101] S/2011/345, paras. 56-59.

[102] These include Major Ndundu and Major Dona (demobilized); Masudi Ntambwe, alias "Rambo", from the 11th integrated brigade, which is currently in Nyangezi; Major Mumbilwa, from the same brigade; and PNC Colonel Kafakumba Kasikila, who is based in Goma. The latter has come to Tshonka "on holiday", but was seen with an armed escort. He is an "adviser" to the movement, in the words of one Government representative.

imminent return of Rwandophone-led FARDC units to Shabunda, Raia Mutomboki has galvanized even more support among the population of Shabunda. While having originally requested logistical support from MONUSCO, Raia Mutomboki threatened United Nations contingent soldiers arriving by helicopter at Lulingu on 12 October, claiming that they were facilitating the infiltration of Rwandans among the ranks of FARDC.

7. Mai Mai Gédéon

272. In the run-up to the elections, the Group has come across what seems to be an unfolding secession plan by certain groups within Katanga. Although the idea of Katangese independence has enjoyed a certain amount of popular support since the existence of the short-lived State of Katanga (1960-1963), militant groups have increased their activities over the past two years. On the political side, one group has been most active: the "Notables Katangais", a group of intellectuals who take pride in their ethnically heterogeneous composition, their pacifist approach and the fact that they operate without a clear structure or leadership. However, they accept the fact that other groups, striving to achieve the same goal, use violent action as a means to do so.

273. The most visible of the groups that believe violent action to be necessary is an organization called CORAK (Coordination pour le référendum et l'autodétermination du Katanga). Through its president, Matuka Munana Tshitshi Simon, CORAK has promulgated a number of letters in which the establishment of an independent "Federal Multiracial Republic of Katanga" is announced (see annex 70). In the letters, Lubumbashi is referred to as "Elisabethville" and the Belgian Consul Dirk Loncke is urged to identify himself as prime minister of the Katangese republic. The writings also refer to an armed branch composed of "Katangese Tigers and Gendarmes". The actual capacity of the almost folkloric CORAK movement is limited. Nevertheless, Katangese provincial authorities seem to hold it responsible for the recent wave of security incidents.

274. Several supporters of militant independence movements have confirmed to the Group that it is the Katangese Tigers have who launched four highly symbolic operations in 2011. On 4 February 2011, a lightly armed group took control over the Lubumbashi airport for several hours and raised a Katangese flag. In the early morning of 29 June, the day before Congolese Independence Day, the Tigers attacked an arms depot of the 6th Military Region in the industrial area of Lubumbashi and partially looted it. A third incident, on 11 July, involved a skirmish with a unit of the Republican Guard.

275. Especially dramatic was a fourth incident, during which 967 prisoners were liberated from Lubumbashi's Kasapa prison, including former Mai Mai chief Gédéon Kyungu Mutanga and several members of the Katangese independence movement. In the late morning of 7 September 2011, an armed commando team of eight men easily overwhelmed the police presence before breaking into Kasapa prison. Two prison cells were specifically targeted: those of Gédéon and "Maman" Kainda, the latter an elderly lady and a militant supporter of Katangese independence.

276. The Group did not find conclusive evidence of an overall command under which these attacks had been organized, but responsibility for at least some of the operations has been claimed by the "Congrès du peuple katangais" (CPK). CPK is reported to have many former Katangese Tigers among its ranks and to hold the

founding documents of Moise Tshombe's Katangese State. Its president, Kazadi Mutombo Ntandaimena, lives in exile.

277. The Group was able to determine that the independence movements draw support from all ethnic groups, including even the Katangese Luba, who have been opposed to the idea ever since they declared their own secession from the newly independent State of Katanga in 1961.

V. Challenges to the integration or demobilization of armed groups

278. The Group has monitored the challenges related to the integration of former armed groups into FARDC, devoting particular attention to the economic and political aspirations of these groups as they prepare for the various scenarios that could follow the upcoming elections. The Group has also analysed the impact of the regimentation process in the Kivus, which was initially intended to undo the parallel chains of command of Rwandophone former armed groups.

279. The Group has determined that former members of FRF, CNDP and PARECO fear that the elections slated for 2011 and 2012 pose significant risks to their positions in FARDC. Led by General Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465, 485-487, 498-504, 530, 542, 547, 569, 571 and 597-631), these former armed groups have deployed officers to command positions by means of the regimentation process in North and South Kivu, giving them the capacity to influence the electoral process in favour of their candidates and to respond to any popular contestation of the electoral results by rival armed groups. At the same time, the Group has been made aware of considerable resentment within FARDC about how the regimentation process has favoured former members of FRF, CNDP and PARECO, thus causing considerable division and demoralization.

280. At the outset of its mandate, the Group monitored Government efforts to advance the integration into FARDC of Mai Mai Kapopo, Mai Mai Kifuafua and FRF. The latter's integration has been relatively successful, while that of the former two has suffered repeated setbacks. As the year progressed, however, Government integration efforts stalled. Defence Minister Charles Mwando Nsimba agreed to allow sporadic deserters from Congolese armed groups to participate in United Nations-sponsored ex-combatant reintegration programmes, but has refused a wider-reaching collective disarmament and demobilization programme on the grounds that it could generate further mobilization.[103] This has made it difficult for armed group combatants who wish to negotiate their collective demobilization and return to civilian life, particularly since the closure in August 2011 of the offices of the FARDC Structure for Military Integration in North and South Kivu.

281. South Kivu Amani Leo Commander Colonel Delphin Kahimbi told the Group that he would sign any document with armed group leaders that would get them out of the bush, but that he never intended to implement the agreements that he had signed.

282. The Group estimates that there are currently more than 2,000 members of Congolese armed groups in the Kivus, in addition to 1,000 Congolese belonging to foreign armed groups. While local economic and political interests are important

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[103] S/2011/345, paras. 56-59.

mobilizing factors for Congolese armed groups, the political arrangements underpinning the integration of ex-CNDP and ex-PARECO members constitute the critical factor driving armed group mobilization in the Kivus, accentuated in particular by uncertainties relating to the elections slated for 2011 and 2012.

283. The significant logistical difficulties posed by the Kivus' terrain and the capacity constraints of FARDC itself, despite recent improvements, make a decisive military victory against armed groups unlikely. In addition, the deployment of former armed group commanders to areas such as Fizi and Beni territories have caused popular outrage at the perceived Rwandophone takeover of FARDC, which has made it harder to achieve the local support and trust required to conduct effective counterinsurgency operations.

A. Groups integrated in 2011

1. Forces républicaines fédéralistes

284. FRF, whose elements are from the High Plateau of Minembwe in South Kivu, were integrated into FARDC following an accord signed on 20 January 2011. The agreement provided FRF with in situ integration; the creation of a new sector, the 44th sector in the High Plateau, for its officers; and key command positions. Long-standing FRF political demands about the rights and governance of the Banyamulenge[104] community in the High Plateau were, however, left out of the final agenda. Nevertheless, FRF sources told the Group that the Government of the Democratic Republic of the Congo had guaranteed the movement's control of the military command in the High Plateau, and promised that its soldiers would not be redeployed for five years. Several FRF sources told the Group that an FRF delegation had been invited to Kigali in August 2010, claiming that the Rwandan authorities feared that FRF might be approached by the Rwandan dissident General Nyamwasa. The same sources claimed that Rwandan officials had promised to help obtain high-ranking positions for them in FARDC.

285. In January 2011, former FRF vice-president Colonel Michel Rukunda Makanika[105] became the South Kivu Deputy Commander for Operation Amani Leo in charge of administration and logistics. Since Rukunda is unable to read, it has been difficult for him to carry out his job effectively. According to military sources in Bukavu, Rukunda commands a personal escort totalling more than 150.

286. Also in January, as part of the transformation of FRF from an armed group into a political party, Colonel Venant Bisogo stepped down as its president. Bisogo has since been awaiting a promised posting within the 10th Military Region. However, the current 10th Military Region Commander, General Patrick Masunzu, has reportedly prevented this from taking place. Bisogo told the Group that this impasse and his lack of a command position nine months after his integration into FARDC threatened to undermine the FRF integration process.

287. Prior to the integration process, the former vice-president and head of public relations of FRF, "Colonel" Richard Tawimbi, was arrested in Bujumbura at the end

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[104] The Banyamulenge are a Kinyarwanda-speaking ethnic Tutsi population that first migrated to the High Plateau of Minembwe in the late nineteenth century.

[105] S/2010/596, para. 62.

of December 2010, accused of travelling to South Africa to see Rwandan dissidents Nyamwasa and Karegeya. After being interrogated by Rwandan and Burundian intelligence officers, Tawimbi was imprisoned in Burundi, but he managed to escape and reach Uvira on 27 March 2011. From there, Tawimbi went to the High Plateau to begin recruiting and rearming. Tawimbi alleged to the Group that FRF had surrendered without achieving any of its objectives.

288. Rwandan intelligence sources claimed to the Group that Tawimbi had admitted to them that he had talked on the telephone to Nyamwasa. Tawimbi denied the allegation. Non-governmental organization reports from the High Plateau in September indicated Tawimbi had more than 50 troops, including "Majors" Nyamusaraba and Semahurungure, and that he had held several public meetings and erected tax barriers in Banyamulenge villages. Tawimbi has promised his new recruits foreign support, according to the same sources.

289. Late in July, the Group visited ex-FRF soldiers at the Kananda regimentation centre in South Kivu, who complained about an alleged lack of payments and expressed concern about biometric registration, arguing that it would increase the likelihood of their being deployed outside the High Plateau. A week after the Group's meeting, more than 30 ex-FRF soldiers fled the centre and returned to the High Plateau. While some returned to the centre, others joined Tawimbi's newly formed armed group. The remaining 179 FRF combatants at Kananda have requested authorization from Rukunda and Bisogo to desert as well, but this has not been forthcoming.

290. The integration of FRF and guarantees of command positions for its members have caused resentment within FARDC. As FRF integrated only around 340 soldiers, one officer told the Group that the former rebels should have been provided ranks no higher than captain, whereas dozens of former FRF officers were instead given full colonel and lieutenant colonel ranks.

291. FRF has been formally registered as a political party, but its politicians have complained to the Group that too few of the Government positions promised to them have been provided. Nevertheless, as of early in September 2011, FRF remained part of the Alliance pour la majorité présidentielle (AMP) and had vowed to support Kabila's campaign in South Kivu. FRF leaders told the Group, however, that they would eventually need to find a federalist solution for the challenges of the Democratic Republic of the Congo because "Kinshasa is too far away".

2. Mai Mai Kapopo

292. Mai Mai Kapopo, an ethnically mixed armed group based around the tin ore mining centres of Miki and Kitopo in the Itombwe Forest, was integrated into FARDC in March 2011. "General" Georges Kapopo demanded conditions for its integration very similar to those provided to FRF, including the creation of an independent sector, brigade commands and the preservation of members' current military ranks. South Kivu Operation Amani Leo Commander Colonel Delphin Kahimbi negotiated on behalf of the Government an accord with Kapopo, signing it on 16 March 2011. During a ceremony led by Kahimbi early in April, Kapopo claimed to the Group that he had presented 540 soldiers for integration. Kapopo subsequently received a command position in Bukavu. His troops were sent to the 44th sector in the High Plateau, commanded by their former rivals of FRF but most instead disbursed and returned to mining activities. Kapopo accused Kahimbi of

trying to weaken him and other Mai Mai groups by not paying salaries or providing basic rations.

293. In August, according to Kapopo, Kahimbi told him that the latter's promises were no longer valid since he had fewer than 100 troops at the Kananda regimentation centre. After lobbying by other former Mai Mai commanders in FARDC, Kahimbi offered Kapopo the deputy command position of Uvira territory in August 2011. Kapopo, however, refused that position and continued to insist on assuming the command position of the 10th Military Region (see annex 71). Kapopo told the Group that he had been sent as an emissary of all the Mai Mai members in South Kivu to test the credibility of the Government leadership, claiming that if his demands were not met he would join them in a new rebellion.

3. Mai Mai Kifuafua

294. Mai Mai Kifuafua is an ethnic Tembo armed group based in southern Walikale that has undergone several failed attempts at integration into FARDC, dating back to early in 2009. While Colonel Delphin Mbaendana has historically been the leader of the group, at a meeting held in January 2011 Kifuafua officers agreed to accept Colonel Lucien "Saddam" Mastaki as its overall commander. Delphin told the Group early in May that he had accepted Mastaki's leadership to strengthen the group's bargaining position with FARDC. Delphin claimed that other officers had not accepted the change in leadership and had returned to the bush with more than 100 combatants. Mastaki led Kifuafua in an integration ceremony in Otobora, North Kivu, in January 2011. Approximately 300 combatants have integrated, but FARDC has not provided them with logistical support, rations or salaries.

295. The Group witnessed Kifuafua's many illegal taxation barriers along the Walikale-Hombo axis, which were lifted when the group took part in a second wave of FARDC regimentation early in June. Mastaki was appointed Deputy Regiment Commander, but Delphin was left without a post in the new regiment, disappointing his followers. Delphin claimed to the Group that he was not interested in receiving a FARDC command post because of his lack of formal military training and his fear of being redeployed outside Walikale territory, in part because of a recent discovery of tin ore deposits in a village near Hombo North. When Delphin was sent to the Rumangabo training centre in Rutshuru territory, he deserted and returned to the general area of Busurungi to join Limenzi (see para. 210 above) and more than 150 former Mai Mai Kifuafua combatants.

B. Groups integrated in 2009

1. Congrès national pour la défense du peuple

(a) Dominance of former officers of the Congrès national pour la défense du peuple and the Rassemblement congolais pour la démocratie

296. Early in February 2011, FARDC began the reorganization of Operation Amani Leo units into regiments of 1,200 soldiers. According to FARDC, the principal objectives were to undermine parallel chains of command and loyalties to previous armed groups, to remove "ghost" soldiers and to improve the army's provision of training and equipment. The regiments were also designed to reunify the operational and military region command structures and to facilitate deployments outside the

Kivus. However, in some respects the reorganization process accentuated divisions within the army.

297. Numerous FARDC sources informed the Group that parallel command structures in the army in eastern Democratic Republic of the Congo had continued, with former CNDP chief of staff General Ntaganda (see paras. 238-242 and 279 above and paras. 443-445, 460-466, 485-487, 497-504, 530, 542, 547, 569, 571 and 597-631 below) playing an increasingly important role. Ntaganda has secured changes to FARDC restructuring in his favour, in return for CNDP joining President Kabila's electoral alliance, the Majorité présidentielle (see para. 112 and para. 309 below).

298. Ntaganda told the Group that he was Deputy Commander of Operation Amani Leo and claimed that he and his colleagues had planned every operation carried out in North and South Kivu since the army integration in 2009. After General Amuli, Commander of Operation Amani Leo, went on leave to recover after having survived an air crash in Kisangani in July 2011, Ntaganda became acting commander of Amani Leo. Two FARDC officers and a Government official confirmed that since Amuli's departure, every FARDC mission and operation in North and South Kivu had had to be endorsed by Ntaganda.

299. As indicated in the interim report,[106] Ntaganda has appointed ex-CNDP commanders to key positions during the reorganization, to the detriment of those from other armed groups. Data provided by FARDC indicates that ex-CNDP officers have been appointed to 36 per cent of the command positions in North Kivu. Government officers have been appointed to 48 per cent of the command positions (see annex 72), yet at least 60 per cent of these are former commanders of the Rassemblement congolais pour la démocratie (RCD) (see annex 73).[107] This means that most FARDC command positions are now held by former CNDP and RCD officers, prompting outrage among (predominantly Hutu) former PARECO commanders, who have been appointed to only 8 per cent of the command positions, despite the fact that the majority of the troops are of Hutu ethnicity. Former Mai Mai members also complain of being marginalized, despite having fought alongside Government troops in the past.

300. Regimental reorganization has taken longer than originally planned, and the situation that prevailed when the Group submitted its interim report has remained, with many regiments not yet deployed and only one deployed outside the Kivus. The extended regrouping of FARDC troops for months on end contributed to a worsening of security in North and South Kivu Provinces, with armed groups attacking in areas from which FARDC had withdrawn to regroup. Some FARDC commanders told the Group that troop deployments had been slowed by opposition from within the FARDC high command to Ntaganda's apparent hijacking of the process. Ntaganda has nonetheless managed to deploy his troops to areas in which he has strategic and economic interests. According to three ex-CNDP FARDC officers, Ntaganda has sent combatants to secure his weapon caches, which remain in the areas previously reported by the Group.[108]

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[106] S/2011/345, paras. 51 and 52.

[107] RCD was a Congolese rebel group that occupied much of the Kivus between 1998 and 2003, when it was integrated into the newly created Congolese army (FARDC). Many CNDP officers were members of the RCD rebellion.

[108] In its final 2010 report, the Group documented that General Ntaganda held weapon caches in Ngungu, Kabati, Bunyole and Kasake, in Masisi territory; see S/2010/596, para. 156.

301. The Group observed FARDC soldiers in several areas in which Ntaganda has business interests. These include settlements at Bwiza, in Virunga National Park, and Tebero, on the edge of the Park, where Ntaganda collects taxes on timber and charcoal production (see paras. 556 and 557 below). Ex-CNDP FARDC officers reported that many of Ntaganda's escorts had been integrated into a battalion controlled by Lieutenant Colonel Francois Muhire, an Ntaganda loyalist, and deployed at the Lueshe mine (see paras. 457-462 below).

302. In the new configuration of command positions in North Kivu decided upon at the end of September 2011, as shown to the Group by the FARDC hierarchy, ex-CNDP commanders have been deployed to Masisi and Rutshuru. According to FARDC officers and former CNDP politicians, an important reason for this is Ntaganda's intention to play an active role in these areas prior to, during and after the upcoming presidential and local elections (see paras. 312-314 below). Ntaganda has also deployed officers loyal to him farther north in Lubero, Beni, and as far away as Ituri.[109] Earlier this year, Ntaganda went on field visits and attended meetings together with General Floribert Kisembo Bahemuka, just before the latter's desertion to Ituri (see box 3).

Box 2

"Hidden" battalions

Since the 2009 integration of CNDP into FARDC, Ntaganda has maintained three "hidden battalions" to safeguard his personal security and weapons caches in Masisi. These units, of 300 soldiers each, are composed of integrated and non-integrated troops and led by Major Gaston Buhungu, Major Eustache Ntambara and Major Ndizee Mugisha. Two ex-CNDP FARDC officers explained that in addition, Ntaganda had a guard of approximately 600 troops under the command of Major John Kaka Gakwaya, and Colonel Zimurinda had a guard of about 200 troops under the command of Major Eric Rwakineza. According to ex-CNDP FARDC officers, Ntaganda has now integrated all of "his" troops into the new regiments. Most have become part of a regiment at Mweso commanded by Colonel Zimurinda (see para. 264 above and paras. 308, 318, 322, 556, 557, 628-631 and 647-651 below), who is widely known to be an Ntaganda loyalist.

(b) Rift between Government and soldiers formerly allied with the Congrès national pour la défense du peuple

303. Early in September 2011, Colonel Philemon Yav, a pro-Government officer close to the presidency and the Commander of the FARDC 82nd sector, covering Rutshuru and Lubero territories, survived an ambush while on his way from Rutshuru to Goma. Two FARDC officers and a survivor of the attack told the Group that about 40 ex-CNDP FARDC troops had shot at Yav from close range over a short stretch of road, but had managed to miss him. The sources alleged that Ntaganda had given the orders for the ambush.

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[109] Colonel Eric Ruhorimbere, loyal to General Ntaganda, became the FARDC 81st sector Commander in Beni. Colonel Wilson Nsengyumva, another Ntaganda loyalist, became Deputy Commander of the newly created FARDC 85th sector in Lubero.

304. Also early in September, another Government loyalist, the Commander of the 1051st battalion based in Baraka, South Kivu, Lieutenant Colonel David Ipanga, escaped an assassination attempt orchestrated by his Deputy Commander, Lieutenant Colonel Alexis Bizabasoma, an ex-CNDP officer from North Kivu. Ipanga had previously been accused by Bizabasoma of ethnic divisionism and prejudice against Rwandophone members of his battalion. Local leaders in Baraka later informed Ipanga of their view that the incident justified Mai Mai Yakutumba's struggle against Rwandophone commanders of FARDC.

Box 3

The desertion of General Kisembo

General Floribert Kisembo Bahemuka was a former Senior Commander of Thomas Lubanga's Union des patriotes congolais, where he also served as Ntaganda's commander. In December 2004, after the end of the Ituri wars, Kisembo and Ntaganda were appointed to the rank of brigadier general by presidential decree. Until his apparent desertion in April 2011, Kisembo was Deputy Commander in charge of operations of the 7th Military Region in Maniema Province (see annex 74). In April 2011, Kisembo came to Goma and spent two weeks with Ntaganda, during which time, according to FARDC and ex-CNDP sources, they held a series of meetings with senior officers and politicians before travelling together to inspect troops in South and North Kivu.

At the end of April 2011, Kisembo went to his home area in Djugu territory, Ituri, without authorization to do so. On 1 May 2011, an FARDC patrol found Kisembo in the village of Lonyo in Ituri. The arrest turned into a firefight, and Kisembo's hut was riddled with bullets (see annex 75). Kisembo was shot, and he died the next morning. Kisembo's notebook, examined by the Group, indicates that he was trying to organize a new rebellion (see annex 76).[a]

[a] The Group attempted to determine the veracity of the document by comparing it with a copy of Kisembo's curriculum vitae in his original handwriting (see annex 74) and found that both documents might have been written by the same person. However, a decisive determination can be made only by handwriting experts.

(c) "Parallel" police in Masisi territory

305. A "parallel" police force controlled by CNDP and PARECO and ultimately reporting to Ntaganda has been in place in Masisi since 2009.[110] In August 2011, provincial authorities nominated Colonel Munyentwari Zabuloni[111] (see para. 265 above), the chief of the "parallel" police, who had installed himself in Lushebere by force, as Commander of another unit in Goma,[112] but he refused to move (see

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[110] Ntaganda established the "parallel" police force to augment his power and revenue-collection capacity in Masisi; see S/2010/596, para. 160.

[111] See annex 78 for a complete curriculum vitae for Colonel Zabuloni.

[112] The Police spéciale d'assainissement et des calamités. Zabuloni subsequently refused a second redeployment attempt.

annex 77). During its visit to Lushebere early in September 2011, the Group witnessed how Zabuloni, aided by Munyamariba (see para. 265 above and paras. 314 and 632 below), had mobilized the population ahead of the arrival of the new district commander, deployed police on the hills around Lushebere and on the road, and reinforced their position at the barrier. On the way back to Goma, the Group witnessed that two roadblocks had been erected by "parallel" police elements against the PNC delegation. On this occasion, Zabuloni declared to the Group that he would accept a posting only in Lushebere or Rutshuru.

306. At the end of September 2011, provincial authorities appointed Zabuloni as district Commander in Rutshuru (see annex 79), shifting Colonel Mathieu Ngaruye, the incumbent, to Masisi. CNDP sources have since told the Group that Ntaganda was behind this final arrangement, since both Zabuloni and Ngaruye are Ntaganda loyalists, meaning that the integration will de facto reinforce his control over police in Masisi and Rutshuru (see annex 80).

(d) Taxation in Masisi

307. Following the incidents in Masisi, Zabuloni's police and CNDP took over or resumed the collection of provincial and customary taxes in at least 14 localities in Masisi territory.[113] According to local authorities and a former CNDP tax agent, a portion of the funds are transferred to Ntaganda. All the taxes collected by the "parallel" police on the roads are managed by Colonel Ibrahim Rwagati, Deputy Commander of the "parallel" police, who also transfers funds to Ntaganda.

308. The local chief of Bwiza collects revenue through a weekly tax of 500 Congolese francs from the 9,600 families currently living there. In addition, civilian agents levy taxes on charcoal and timber production, all of which go to Colonel Zimurinda (see para. 264 above, paras. 318, 322, 556, 557, 628-631 and 647-651 below and box 2), who in turn transfers the revenues to Ntaganda.

(e) Links between politicians and former armed groups

309. CNDP joined President Kabila's electoral alliance, the Majorité présidentielle (see paras. 112 and 297 above), in December 2010. FARDC commanders and politicians reported that ex-CNDP officers commanded by Ntaganda were supporting Kabila's election campaign. FARDC sources told the Group that troops loyal to Ntaganda would deploy to prevent FDLR from voting for opposition parties (see paras. 111 and 112 above). According to ex-CNDP FARDC officers, Ntaganda also intends to use loyal troops and the now-integrated "parallel" police to ensure that only candidates allied with MP can campaign in areas controlled by CNDP, and to exert pressure on the population ahead of the vote.

Voter registration

310. In Masisi, the Group witnessed manipulation of the registration process orchestrated by Erasto Ntibaturana, an ally of CNDP (see paras. 256-264 above), whose son Erasto Bahati is campaigning for CNDP in Masisi. Provincial and local authorities told the Group that in the Mpati area, where thousands of internally displaced persons, mostly of Hunde ethnicity, live in camps, a small number of

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[113] Including Ngungu, Karuba, Rubaya, Bihambwe, Lushebere, Kaniro, Luke, Kashuga, Mweso, Mpati, Kivuye, Kahira, Kibarizo and Kitchanga.

registration kits had been made available for a limited period of time, with a fee of 1,000 Congolese francs payable for enrolment. Internally displaced persons told the Group that Erasto had prevented the registration machines from being sent beyond Mpati, as he feared that this would enable FDLR members to enrol. Local populations and authorities reported that at least 60 per cent of the internally displaced persons had not enrolled.

311. According to provincial and local authorities, extra electoral kits have been brought to Kilolirwe and the Bwiza settlement in Virunga National Park, areas inhabited exclusively by Rwandophones, for further registration. Everyone in Bwiza, interviewed by the Group, including Rwandan citizens, confirmed that they had registered for the elections. While voter registration officially closed in June, Erasto told the Group late in September that he still had a registration kit locked up in an office at Mpati, presumably enabling him to carry out illegal voter registration.

Campaign for legislative and local elections

312. North Kivu politicians and FARDC sources informed the Group that Ntaganda had been exerting pressure related to the campaign for CNDP candidates in the legislative and local elections. The sources claimed that Ntaganda had threatened former CNDP politicians who wished to join other parties, warning that they would not be able to campaign in areas that he controlled.

313. According to CNDP political cadres, in September 2011 Ntaganda and a small ring of ex-CNDP FARDC officers held meetings to determine how to support their candidates for the legislative elections and provincial elections. They opted to use FARDC soldiers loyal to CNDP as well as police to tell the population whom to vote for, and to intimidate people on the way to the polls and the personnel working at the voting centres. A politician showed the Group a text message sent by an ex-CNDP officer that said, "If you want peace, vote for CNDP; if not, you will get war."

314. Serufuli's UCP is the only other party being allowed to campaign in Masisi and Rutshuru. Former members of Serufuli's non-governmental organization Tous pour la paix et le développement (see para. 256 above and para. 632 below), including Ntibaturana and Munyamariba (see paras. 263 and 305 above and para. 632 below), currently campaign for CNDP and UCP (see paras. 122, 222 and 265 above).

(f) Congrès national pour la défense du peuple and land/population returns

Bibwe

315. In mid-2011, CNDP again formally raised demands with the Government of the Democratic Republic of the Congo in Kinshasa regarding the implementation of the March 2009 peace agreements, particularly regarding land. Minister of Justice François Tuhimbaze, a former CNDP politician now integrated into the North Kivu provincial government, carried out a series of missions to refugee camps in Rwanda promising returns. In northern Masisi, ex-CNDP FARDC members unilaterally resettled populations in the Bibwe area, with the apparent aim of facilitating the return of refugees from Rwanda. Rwandan officials told the Group that Rwanda encourages this initiative.

316. In July 2011, 2,400 families arrived in Bibwe[114] with a letter signed by Erasto Ntibaturana (see paras. 256-264 above) telling local chiefs to secure the new arrivals (see annex 81). Whereas some of these newcomers claimed that they owned land in Bibwe in the past, many of them told the Group that they had never lived there before, and some refused to identify where they had come from. According to the local and provincial authorities, none of these "returnees have ever owned land in Bibwe (see annex 82).

317. Bibwe is situated north of Lukweti, where APCLS, led by "General" Janvier Buingo (see paras. 219-237 above), has been fighting against repeated operations carried out unilaterally by ex-CNDP FARDC units, which, in the perception of local communities, have been attempts to clear land for returnees. When these operations started in 2009, ex-CNDP FARDC commanders told Hunde to vacate villages around Bibwe.[115] Thousands of displaced families, drawn mostly from the Hunde and Hutu communities, now live in camps at Mpati, Nyange, Kivuye and Kitso. The camp at Mpati alone shelters 2,585 families from Bibwe and the surrounding area (see annex 83).

318. Numerous sources among local authorities and "returnees" informed the Group that a delegation composed of Ntaganda, Makenga, Byamungu, Zimurinda and Erasto Ntibaturana had come to meet the newcomers (see annex 84). At a public meeting held in Mpati on 16 July 2011, Ntaganda proposed to secure Bibwe to enable the "returnees" to settle. Ntibaturana promised to redistribute the land. Shortly thereafter, a battalion of Zimurinda's regiment (see paras. 264 and 308 above, paras. 322, 556, 557, 628-631 and 647-651 below and box 2) was deployed to secure Bibwe. Lieutenant Colonel Gasheri Musanga, Ntibaturana's son, commands the unit (see para. 260).

319. Late in September 2011, Ntibaturana told the Group that he had already distributed land for returnees at Bibwe, after consulting with Tutsis who used to live there and were now in Kigali. Ntibaturana said that he had nominated a chief responsible for the settlement of new populations. Members of the Group observed that the area appeared to be under CNDP control.

320. Local authorities in Masisi warned that this situation could trigger conflict, as land at Bibwe used to be inhabited by internally displaced persons living in camps just kilometres away. A local chief loyal to Ntibaturana, a "parallel" police officer and an ex-CNDP commander told the Group that there was a resettlement plan for Bibwe, as these initial returns would pave the way for many other returns. In the view of Chief Samuel, a local chief nominated by Ntibaturana, once space at Bibwe has been exhausted, returnees will settle in Lukweti, Mutongo, Nyabiondo and other villages, which have traditionally been occupied by ethnic Hundes.

Bwiza settlement and Virunga National Park

321. According to local authorities in the western part of Virunga National Park, during 2006/08, General Laurent Nkunda authorized the distribution of land to

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[114] In 1959, UNHCR established a settlement at Bibwe for Tutsi refugees from Rwanda. The constitution of the Democratic Republic of the Congo grants Congolese nationality to everyone who lived in the country in 1960. Tutsis from Bibwe returned to Rwanda in the meantime.

[115] Since 2009, the operations in the area have been carried out by General Ntaganda loyalists Lieutenant Colonel Tambwe Dereva and Major Eustache Ntambara.

CNDP officers in Bwiza.[116] Civilians from North Kivu and Rwanda have been encouraged to buy land in the park at low rates. Chief Bimenyimana was put in charge by CNDP to receive the arrivals.

322. The area remains managed exclusively by ex-CNDP FARDC soldiers under the command of Zimurinda, as witnessed by the Group during its visit to Bwiza. According to local authorities in Bwiza and Kitchanga, ex-CNDP officers Colonel Baudoin Ngaruye, Colonel Yusuf Boneza, Colonel Sultani Makenga, Colonel Innocent Kabundi, Colonel Innocent Zimurinda (see paras. 264, 308 and 318 above, paras. 556, 557, 628-631 and 647-651 below and box 2) and CNDP politician Emmanuel Kamanzi, along with many other party members, currently own land at Bwiza (see annex 85).

323. According to numerous accounts, ex-CNDP FARDC officers have extended their land holdings and chased existing populations away. Three ex-CNDP officers said that Chief Bimenyimana, who had opposed this policy, had been killed by ex-CNDP military loyal to Ntaganda and replaced by Chief Budumari Ngabo. The same sources told the Group that local authorities who had opposed military rule in Bwiza or had cooperated with legal authorities in Kitchanga had been harassed by the military and forced to flee.

324. According to numerous sources interviewed in Bwiza, in 2010 Emmanuel Kamanzi, a CNDP politician, came to Bwiza with documentation from the land registrar claiming that he had title to the land. It is not possible, however, for the cadastre to have given title to land in Biwiza, as the settlement is situated in Virunga National Park. Populations testified that Kamanzi had come once again in 2011, accompanied by two armed escorts and a 10-member delegation, brought in his cattle and forced the population to vacate the area.

2. Coalition des patriotes résistants congolais

325. PARECO was integrated into FARDC as part of the accelerated integration of CNDP in January and February 2009. According to FARDC sources, although they had previously fought against CNDP, some senior ex-PARECO officers[117] have been co-opted by their former enemies into cooperating on political, economic and military strategies. The rapprochement of former PARECO officers with the ex-CNDP command was justified mainly by common interests in large profits derived from the exploitation of mines in Numbi and Nyabibwe in South Kivu, which are traditional PARECO strongholds (see paras. 443-446 and 463-465 below).

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[116] The policy of settling Rwandophone populations in Bwiza started early in 2000, during the RCD era. The Group interviewed many Rwandans at the settlement, and all local sources confirmed that Rwandan citizens represented a majority there. According to Congolese returnees living in Bwiza, in 2002 RCD figures Eugene Serufuli, Emmanuel Kamanzi, Rene Ndeze, and Ntibaturana carried out sensitization in refugee camps in Rwanda and told Congolese refugees to return and settle on a plantation in Burungu. In 2004, Eugene Serufuli, former Governor of North Kivu, and Emmanuel Kamanzi, who was Minister of Land, Mines and Energy during the RCD era, acquired titles for the plantation in Burungu and told the returnees to leave the land and resettle in Bwiza.

[117] Former PARECO president Sendugu Hakizimana, alias "Museveni", was the first to give his allegiance to General Ntaganda when the "parallel" police force was created. As a result, Colonel Hassan Mugabo Baguma, the former military head of PARECO, and those officers still loyal to him have become increasingly isolated.

326. However, this alliance of convenience collapsed after ex-PARECO FARDC officers allied with Ntaganda did not receive the positions that they had been hoping to receive in the FARDC reorganization and were deployed far away from Numbi and Nyabibwe. Over the course of the Group's mandate, ex-PARECO FARDC officers, notably Lieutenant Colonel Kifaru (see para. 36 above and para. 641 below) and Colonel Gwigwi Busogi,[118] have temporarily deserted the ranks of FARDC out of disappointment at their command positions. While Kifaru was persuaded to return to FARDC by Colonel Sultani Makenga (see paras. 318 and 322 above and paras. 462, 561, 571 and 591 below), Gwigwi was eventually arrested on charges of illegal exploitation of natural resources and is currently in jail in Bukavu.

327. PARECO members and FARDC officers reported that senior PARECO figures had created a renegade coalition based in the high mountains of Kalehe, beyond Numbi, and composed of ex-PARECO FARDC deserters from Nyatura, Mai Mai Kifuafua and Mai Mai Kirikicho, numbering some 300 combatants. One of the figures behind the new movement is Bizagwira Muhindi, a political leader of PARECO. In an interview with the Group, Bizagwira said that he was a member of FPLC in Rutshuru, as the movement symbolizes opposition against the regional rapprochement between the Democratic Republic of the Congo and Rwanda. According to politicians, owing to frustrations about army reforms, many PARECO officers still in FARDC secretly support Nyatura and back opposition candidates. One senior ex-PARECO officer asked members of the Group to communicate to current armed group leaders that "We understand their frustrations, and they should not forget that they have friends within the army".

3. Discontent among officers not affiliated with armed groups

328. Perceiving their further marginalization within the security services, many non-CNDP senior army officers, including those integrated from former Mai Mai groups, have begun to provide discreet support to armed groups, both for personal economic gain and to position themselves prior to post-election instability. Several officers spoke about discontent among the officer corps, pointing to the more than 1,600 officers currently at the Luberizi training centre, many of whom would soon discover that they would not be assigned command or staff positions following the restructuring of the military.

329. In September 2011, FARDC officers in Bukavu circulated a memorandum denouncing the military "takeover" by "Hutus and Tutsis" and calling on the masses to revolt. Entitled "Memorandum of FARDC military officers who are victims of discrimination", the note, which was circulated widely among army personnel, argued that command positions in the new regiments and sectors were based on "discriminatory criteria" aimed at promoting division between them and the Rwandophones, as only Tutsis and Hutus had been placed in the highest posts (see annex 86). While only a few officers were arrested, many shops closed throughout the city, given that the mounting tension in the army had made such a mutiny highly believable. Military intelligence officers searched the homes of General Masunzu and Colonel Nakabaka for weapons caches late in September 2011.

330. According to several high-ranking officers in South Kivu, this memorandum reflected widespread disgruntlement among a large percentage of senior officers

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[118] S/2010/596, paras. 126-130, 235 and 236.

who had devoted years to defending the national Government and had seen no recompense in terms of their status. One officer described FARDC in the east as an army that rewarded traitors and neglected loyalists. Another officer interviewed by the Group referred repeatedly to an ex-FRF officer who had been given the rank of full colonel despite the fact that he was only 29 years of age, considering this a slap in the face to officers who had more than 20 years of service in the Congolese army and who had not reached the rank of major.

331. The FRF and CNDP privileges have also led to isolated incidents involving backlash against Rwandophone officers, as seen most dramatically in the assassination of Lieutenant Colonel Tambwe in Sange in June 2011. Tambwe, a Tutsi, had been slated to become a battalion commander in the regiment being formed at Luberizi, provoking jealousy among a group of fellow officers who, according to military intelligence officers, invited him outside the camp for a drink and shot him. The military prosecutor's office in Bukavu arrested nine officers in the case.

VI. Evaluation of the impact of the Group's due diligence guidelines

332. The Security Council, in paragraph 6 of resolution 1952 (2010), requested that the Group evaluate the impact of the due diligence guidelines referred to in paragraph 7 of the resolution, and that it continue its collaboration with other forums. The Group has evaluated the impact of the due diligence guidelines at several levels. First, since the guidelines are intended primarily for individuals and entities purchasing, processing or consuming minerals from eastern Democratic Republic of the Congo and other "red-flag" locations,[119] the Group has sought, in collaboration with other forums, to evaluate the impact of the guidelines on these individuals and entities.

333. The Group has also sought to evaluate the impact of the due diligence guidelines on organizations, associations and groups comprising individuals and entities purchasing, processing or consuming minerals from red-flag locations. In addition, the Group has sought to evaluate the broader impact of the guidelines on the mining sectors of eastern Democratic Republic of the Congo and other red-flag locations, and on the activities of local and international civil society organizations engaged on this issue.

334. In paragraph 8 of resolution 1952 (2010), the Security Council called on States to take appropriate steps to raise awareness of the due diligence guidelines, and to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the guidelines or equivalent ones. The Group has initiated an evaluation of the responses of States to this call, focusing particularly on the Governments of red-flag locations and on relevant members of the Council. The Group has also sought to evaluate the response to paragraph 8 by relevant organizations in these Member States and by MONUSCO.

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[119] The eastern part of the Democratic Republic of the Congo and other countries in the region through which minerals from that area are known to transit, including Rwanda, Burundi, Uganda, Kenya, the United Republic of Tanzania, South Sudan and the Sudan.

335. The Group's due diligence guidelines referred to in resolution 1952 (2010) were developed in consultation with several other forums. In order to avoid confusion, the Group's due diligence guidelines are intentionally both substantially similar to and fully consistent with the due diligence guidance for responsible supply chains for minerals from conflict-affected and high-risk areas that was approved by the OECD Council in May 2011. Both sets of guidelines have been incorporated into the law of the Democratic Republic of the Congo, and both have been endorsed by the International Conference on the Great Lakes Region. As a result, it is neither practicable nor helpful to distinguish between the impacts of the Group's due diligence guidelines and those of the OECD due diligence guidelines.

A. Evaluation of the impact of the due diligence guidelines on individuals and entities purchasing, processing or consuming minerals from red-flag locations

336. The main upstream[120] purchasers of minerals from eastern and southern Democratic Republic of the Congo are *comptoirs* based in those areas, and also in Kampala, Kigali and Bujumbura. The minerals in question are gold and the ores of tin, tantalum and tungsten. The impacts of the due diligence guidelines on the supply chain for gold and those for the other three minerals differ substantially and are considered separately in this analysis. Gold has a lower volume and a higher value than the other minerals, and it is more easily converted into money and more easily concealed. In addition, while the impacts of the United Nations and OECD due diligence guidelines in relation to tin, tantalum and tungsten ores are bound up with the impact of the Wall Street Reform and Consumer Protection Act of the United States,[121] this piece of legislation, signed into law by President Barack Obama in July 2010, has had markedly less impact on the gold sector so far.

1. Tin, tantalum and tungsten

(a) *Comptoirs* and their associations

337. When resolution 1952 (2010) was adopted, late in November 2010, mining activities in the Maniema and North and South Kivu Provinces of the Democratic Republic of the Congo were in the midst of a six-month ban imposed by President Joseph Kabila in September 2010. Many *comptoir* owners from those provinces have claimed to the Group that the ban made it impossible for them to implement the due diligence recommended by the Group. This is incorrect, since it remained possible during the ban to adopt and inform suppliers about a due-diligence-compliant supply chain policy and to structure internal management systems to support due diligence (step 1.A and B of the guidelines). It is true, however, that it was difficult during the ban — to the extent that the ban was effective — for individuals and entities to establish effective systems of control and transparency over the mineral supply chain (step 1.C), to identify and assess risks (step 2) or to design and implement a strategy to respond to identified risks (step 3). At any rate,

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[120] For the purposes of the present report, "upstream" means the minerals supply chain from the mine site to the smelter or refinery, while "downstream" means the mineral supply chain from the smelter to the consumer.

[121] Generally known, and hereinafter referred to, as the Dodd-Frank Act, after two United States members of Congress who sponsored the legislation.

the evidence gathered by the Group suggests that *comptoirs* from the three provinces mentioned above did not substantially attempt to implement the due diligence guidelines during the presidential ban.

338. President Kabila's ban on mining was lifted in March 2011. However, an alliance of predominantly United States manufacturers, the Electronics Industry Citizenship Coalition, had previously indicated that, as from 1 April 2011, its membership would no longer permit purchases from tin, tantalum and tungsten refiners and smelters that accepted feed material that did not meet the regulatory requirement under the Dodd-Frank Act that it be labelled as "DRC conflict free". Because of this, after the lifting of the ban there was a rush by *comptoirs* to export minerals from eastern Democratic Republic of the Congo before the 1 April deadline. The Group found little evidence of enhanced efforts aimed at due diligence by *comptoirs* during this period. Much of the material was transported out of the Democratic Republic of the Congo, although some of it remains in stocks in all three provinces referred to above (see recommendation (gg)) below, regarding what should be done with these stocks).

339. After 1 April 2011, *comptoirs* from North and South Kivu and Maniema were unable to sell material to refineries and smelters seeking conflict-free smelter status (see paras. 346-349, 368, 371 and 478 below) from the Electronics Industry Citizenship Coalition, as were *comptoirs* from some neighbouring countries, including Burundi and Uganda. This was because refineries and smelters seeking conflict-free smelter status indicated that as from 1 April, they would buy material only from red-flag locations that had been tagged under the Tin Supply Chain Initiative of the International Tin Research Institute.[122] These refiners and smelters were prepared, however, to buy material from Rwanda and North Katanga tagged under the Initiative. This refusal to purchase untagged material left many *comptoirs* in the Kivus and in Maniema bereft of their principal or sole customers, and therefore of incomes. Many *comptoirs* laid off workers or closed down their operations. *Comptoirs* based in eastern Democratic Republic of the Congo, however, that supply to refineries and smelters not seeking conflict-free smelter status have meanwhile continued to purchase untagged materials from the Kivus and Maniema.

340. The implementation of due diligence by *comptoirs* in eastern Democratic Republic of the Congo and in Rwanda is currently being evaluated by the International Peace Information Service. The Service has indicated to the Group that its evaluation has shown that most *comptoirs* are still unsure of what due diligence requires. A few, however, including Minerals Supply Africa and Phoenix Metals, in Rwanda, and Mining Mineral Resources, in Katanga, have shown a greater understanding of due diligence, and evidence of having begun implementation.

341. Meanwhile, the Group's research indicates that *comptoirs* in North and South Kivu and Maniema have, for the most part, again taken the embargo on the minerals that they buy and sell imposed by smelters and refiners seeking conflict-free smelter status as a reason not to implement due diligence. There has been disappointingly little engagement with the guidelines on the part of *comptoirs* and their associations in South Kivu and Maniema. The North Kivu *comptoirs'* association, which has historically been the most engaged with regional and international initiatives on due

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[122] A tin industry association whose membership, it claims, accounts for 80 per cent of world tin purchases. It launched the Tin Supply Chain Initiative with the Tantalum-Niobium International Study Centre in 2009.

diligence and conflict minerals, has shown greater awareness of and expressed its strong support for the Group's guidelines, particularly step 3.C, which sets out recommendations on how *comptoirs* should mitigate the risk that the minerals they buy will provide direct or indirect support for criminal networks in FARDC.

342. *Comptoirs* in the Kivus and Maniema that supply refiners and smelters not seeking conflict-free smelter status, and that have continued to purchase since 1 April — often at discounted rates, according to diggers — have displayed very limited awareness of the Group's guidelines thus far. The Group was told, for example, that traders selling minerals to TTT Mining, Huaying Trading and Donson International in Walikale had never been asked by those *comptoirs* about where exactly they had come from and whether any armed groups had benefited from them. In addition, the Group has evidence that those *comptoirs* made purchases of material that finances armed groups, and criminal networks within FARDC (see paras. 193 and 194 above and paras. 447-456 below).

343. Significantly, neither the *comptoirs* and their associations in North and South Kivu nor those in Maniema have thus far carried out or commissioned any on-the-ground assessments to map their supply chains and assess their risks effectively (step 2.B). This shortcoming has compromised the capacity of these *comptoirs* and their associations to design and implement strategies for responding to identified risks, and will need to be addressed if *comptoirs* are to comply with new Congolese regulations relating to due diligence (see paras. 375 and 414 below).

344. In Katanga, several *comptoirs* trading in tin, tantalum and tungsten ores ceased activities during 2011 owing to changes in provincial regulations, including a requirement that they engage in a range of social and agricultural projects. Since then, some have opened or reopened, and by October 2011 at least five *comptoirs* were buying tin, tantalum and tungsten ores. One of these, Mining Mineral Resources, is investing in and expanding semi-industrial mining, and has funded the roll-out of the Tin Supply Chain Initiative tagging programme at its concessions during 2011. The company has also begun to implement the Group's due diligence guidelines.

345. The implementation of due diligence by Rwandan *comptoirs* is being evaluated for OECD by the Belgian-based non-governmental organization the International Peace Information Service. The Group's understanding is that while awareness of the Group's due diligence guidelines varies considerably, most *comptoirs* have sought to comply with the rule, introduced by the Government of Rwanda during 2011, that only minerals tagged under the Tin Supply Chain Initiative can be traded or transported in the country. However, as shown in paragraph 426 below, the level of the recorded domestic production of tin, tungsten and tantalum ores continues to be higher than industry analysts consider the real level of production to be, suggesting that material from the Democratic Republic of the Congo is being smuggled into Rwanda and then tagged as being of Rwandan origin. The fraudulent tagging of Congolese minerals as being of Rwandan origin would require the complicity of mine operators and therefore must be carefully investigated as part of Rwandan *comptoirs'* due diligence risk assessments.

(b) Semi-industrial mining companies

346. Tagging under the Tin Supply Chain Initiative is well suited to supply chains in which the custody of minerals changes hands, often several times, between the mine

site and export. Some mining companies, however, retain, or intend to retain, custody of the minerals between the mine site and export. Two such companies, Rwanda-based Rutongo Mines and the South Kivu-based Lynceus Group, say that they have developed alternative, and allegedly less costly, traceability systems that are compliant with the Group's due diligence guidelines. However, neither traceability system has received any recognition from buyers. In addition, Mining Mineral Resources effectively retains custody of its minerals from production to export, in the four mines to which it has exclusive access, but, as indicated above, it has implemented the Tin Supply Chain Initiative tagging system, thus retaining its access to smelters and refiners seeking conflict-free smelter status (see paras. 339-342 above and paras. 368, 371 and 478 below).

(c) Refiners and smelters

347. While there is a high level of awareness of the Group's due diligence guidelines among international refiners and smelters of tin, tantalum and tungsten ores belonging to the International Tin Research Institute, the Group's research indicates that awareness among refiners and smelters that are not Institute members is generally much lower. For many Institute member refiners and smelters, however, a more immediate and pressing concern is the need to attain conflict-free smelter status, which will enable them to retain membership in the Electronics Industry Citizenship Coalition as customers. For Malaysia Smelting Corporation, which is the main smelter of tin in Central Africa, this has meant refusing since 1 April 2011 to purchase any material from red-flag locations without an Initiative tag. Malaysia Smelting is also negotiating with the Government of the Democratic Republic of the Congo to acquire and invest in the Maniema assets of Sakima, a State-owned company, and thus to acquire a "closed-pipe" supply chain from mine to smelter.[123] In addition, Malaysia Smelting is in the process of implementing the Group's due diligence guidelines and those of OECD. The company has received a questionnaire from the International Peace Information Service about implementation and discussed its responses with the Group during the Group's visit to the smelter.

348. Other refiners and smelters have sought to attain conflict-free smelter status by opting not to purchase minerals from the Democratic Republic of the Congo. Some tin and tantalum refiners and smelters, most of which are based in China, have continued to purchase minerals from the Democratic Republic of the Congo that have no Tin Supply Chain Initiative tags. For example, Zhuzhou Cemented Carbide Works Import and Export Company is recorded as having imported 40 tons of untagged coltan from the Democratic Republic of the Congo in December 2010. The Group has endeavoured, so far without success, to engage with these refiners and smelters.

(d) "Downstream" consumers and industry associations

(i) Electronics Industry Citizenship Coalition and Global e-Sustainability Initiative

349. In 2011, more "downstream" consumers of minerals from eastern Democratic Republic of the Congo have joined the Electronics Industry Citizenship Coalition and/or its partner organization the Global e-Sustainability Initiative. By October 2011, the Coalition had conducted audits of 12 tantalite refineries and smelters to

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[123] A "closed-pipe" supply chain is one in which only one company has custody of the minerals.

determine their conflict-free smelter status. Conflict-free smelter status was awarded to six of them. The terms of conflict-free smelter audits of tin smelters had not been agreed by October 2011, and none had been conducted. Conflict-free smelter audits require refiners and smelters to show evidence of due diligence, and have been significantly influenced by due diligence guidance in terms of their form. However, the key reference point in the conflict-free smelter audits is not the due diligence guidelines of the Group or of OECD, but rather the Dodd-Frank Act, and specifically whether or not smelters and refiners process material that regulations flowing from the Act might prevent from being labelled as "DRC conflict free".

350. The Electronics Industry Citizenship Coalition and the Global e-Sustainability Initiative often refer to the Group's due diligence guidelines in their communications with their members, and the two organizations have in general promoted a high degree of awareness regarding the need for due diligence among their members and in their industries overall. To date, the Electronics Industry Citizenship Coalition and the Global e-Sustainability Initiative have organized and hosted seven conflict minerals supply chain workshops, and in August 2011 they launched a conflict minerals reporting template for their members, intended to facilitate disclosure and dissemination of information regarding smelters that provide material to their supply chains. The Electronics Industry Citizenship Coalition and the Global e-Sustainability Initiative have stated that the template can assist companies in their due diligence processes by tracking information on their supply chains related specifically to conflict minerals.

351. While the number of members of the Electronics Industry Citizenship Coalition and the Global e-Sustainability Initiative has risen, there remain many companies and industries that consume minerals from eastern Democratic Republic of the Congo and neighbouring red-flag locations that remain outside the two organizations. Yet awareness of the conflict minerals issue, and of the need for due diligence to mitigate the risk of funding conflict through mineral purchases, is increasing internationally in most affected industries, including in particular electronics, vehicle manufacture and aerospace. This is most visibly the case in countries such as the United States that have introduced legislative requirements for due diligence disclosure.

(ii) Japan Electronics and Information Technology Industries Association

352. The Japan Electronics and Information Technology Industries Association began the process of sensitizing its members on due diligence by holding a conflict minerals seminar in Tokyo late in July 2011, sponsored by six Japanese industry associations from the information technology, auto manufacturing and electrical manufacturing sectors, at which companies were encouraged to implement the due diligence guidelines of the Group and of OECD.

(iii) International Tin Research Institute and Tantalum-Niobium International Study Centre

353. The International Tin Research Institute and Tantalum-Niobium International Study Centre continue to exhibit a high level of awareness of the guidelines, and have made a significant positive contribution to their members' due diligence implementation, not least through the implementation of the Institute's Tin Supply Chain Initiative. The Initiative has also helped to build Democratic Republic of the

Congo Government capacity in the mining sector, to safeguard the livelihoods of miners at tagged mining sites and, according to some North Katanga civil society activists, to reduce corruption among State officials in the mining sector.

354. The Institute has commissioned an evaluation of the Initiative, and has committed to refining and auditing the process to ensure that it delivers improved traceability and more qualitative information relevant to the due diligence risk assessments carried out by members of the Institute and the Centre. Concerns have been raised within the industry about the alleged high cost of Initiative tagging. The Institute has stated that costs will come down when there is greater industry participation, and has promised a review of the tariff structure. Concerns have also been raised about an alleged lack of data-sharing between the Institute and its members. The Institute has indicated that its members and other relevant stakeholders will have access to parts of the Initiative database by the end of 2011 and that the organization will periodically issue public reports on data trends.

355. Institute staff have already reported a number of problems, including duplicate tags, tags appearing in the wrong places, and bag weights increasing between *négociant* and *comptoir*. At Phoenix Metals in Rwanda, for example, the Group witnessed the arrival of tagged but opened bags of minerals. A Phoenix representative said that this had occurred because the initial buyer had refused the goods after inspection, and the seller had then taken the bags to Phoenix without retagging them at the mine site, as would be done under the regular procedure. The opening of bags between mine and exporter could allow minerals from elsewhere to be added. The Institute says that it will investigate every incident and has developed a protocol for how best to respond.

356. One notable finding resulting from the Group's evaluation was that smelters and refineries sourcing only Initiative-tagged material from red-flag locations rely to a considerable extent on the robustness of the Initiative process for their own due diligence implementation. This makes evaluation and auditing relating to the Initiative all the more important.

2. Gold

(a) *Comptoirs* and their associations

357. During 2011, gold *comptoirs* in eastern Democratic Republic of the Congo and neighbouring countries have not demonstrated either significant awareness of the guidelines or readiness to implement due diligence. These *comptoirs* were less affected by President Kabila's mining ban than *comptoirs* trading cassiterite, coltan and wolframite, with many continuing to trade gold during the ban. Since the presidential ban was lifted, gold *comptoirs* in eastern Democratic Republic of the Congo and neighbouring countries not substantially affected by the Electronics Industry Citizenship Coalition ban on material not tagged under the Tin Supply Chain Initiative have continued to trade, often in a less transparent way and exhibiting less due diligence than before. In North Kivu, two new gold *comptoirs* started to legally export gold to Dubai; from March to August 2011, they had jointly exported 8.8 kg. In contrast, during 2010 the only gold *comptoir* in North Kivu exported 2.5 kg. In South Kivu, the only gold *comptoir* in the Province, Etablissement Namukaya, exported 8.6 kg in April and 6.4 kg in July. This was in line with its recorded exports during the first eight months of 2010, before the suspension. A spokesperson for Namukaya informed the Group that the company

exercised due diligence in the sense that it bought only "from areas where it is safe to land a plane" (see paras. 179 and 200 above, paras. 512, 521, 531, 536 and 545 below and box 4).

358. To encourage formal exports of gold, the Government of the Democratic Republic of the Congo has issued a decree lowering the export tax from 5.5 per cent to 1 per cent of the value of exports. The decree has been signed by the Minister of Mines and awaits approval by the Ministry of Finance in order to come into effect.

359. The Kampala-based Uganda Commercial Impex, sanctioned by the Committee on 29 March 2007,[124] expressed to the Group its interest in re-engaging in the Democratic Republic of the Congo through the trading counter project of MONUSCO, provided the company would be removed from the list of entities and individuals designated for targeted sanctions. The company said it was willing to visit the site of Mugogo and to carry out a transaction once a first batch of gold had been tagged, taxed and certified. In addition, Uganda Commercial Impex said that it was ready to be involved in setting up an official gold refinery in the Democratic Republic of the Congo, which would exercise the due diligence recommended in the Group's guidelines.

(b) Industrial mining companies

360. Toronto- and New York-listed Banro Corporation has built an industrial gold mine at Twangiza in South Kivu, and was preparing to pour its first gold from the mine in October 2011. Twangiza is the first-ever industrial gold mine in South Kivu. Banro has implemented due diligence under the Group's guidelines by ensuring the traceable custody of Twangiza gold from production to export, and by not providing payments to armed groups or FARDC. A Banro representative informed the Group, however, that some transporters contracted by Banro had made small payments to armed groups on the route between Bukavu and the Namoya, another of the company's concessions, which straddles South Kivu and Maniema Provinces.[125]

361. In the Ituri territory of Orientale Province, South Africa's AngloGold Ashanti and Randgold Resources are drilling and prospecting at Mongbwalu and Kibali, where thousands of artisanal gold miners are carrying out production, including many ex-combatants. Randgold has relocated thousands of diggers and local residents from Kibali during 2011. Neither AngloGold nor Randgold has yet begun gold production in the Democratic Republic of the Congo.

(c) Refiners, smelters and jewellers

362. Research by the Group indicates that gold that finances armed groups and criminal networks within FARDC continues to make its way onto international markets, indicating continued deficiencies in the due diligence practices of gold refineries and smelters. The Group's research also indicates that a significant proportion of gold financing armed groups and FARDC criminal networks continues

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[124] See http://www.un.org/News/Press/docs/2007/sc8987.doc.htm.

[125] Banro relocated and rehoused several hundred artisanal miners while constructing Twangiza, but since March 2011 the mine site has been invaded by several hundred more artisanal miners, who reportedly include a number of ex-combatants. Banro has enlisted the assistance of the local authorities with a view to evicting the newly arrived miners, but the miners had remained in place as of the end of September 2011.

to end up in the United Arab Emirates, making the due diligence of refiners, smelters and jewellers based in that country of particular importance.

363. In the United Arab Emirates, major refiners, including Kaloti Jewellery and Emirates Gold in Dubai, told the Group that they rejected any offer of gold from East or Central Africa unless it came from a known industrial source that they had dealt with for a long time, or from a source that had had recorded sales with other major refiners in the world. The refiners maintained that these "know your customer" requirements made up for their lack of certainty concerning a gold consignment's true origin by relying on documentation from the exporting country alone. Both refineries told the Group that they had not purchased artisanal gold from the region for three years.

364. Representatives of a new gold importer in Dubai, TLI Global, told the Group that it would require sellers to send relevant documents, including the airway bill, the commercial invoice and the certificate of origin, prior to the arrival of the shipment. TLI Global, Emirates Gold and Kaloti Jewellery also require the sealing and locking of gold shipments by customs officials at the Dubai airport terminal to allow time for the verification of documents before the gold is authorized to be transferred to the refinery.

365. The Group tried unsuccessfully to contact the companies in Dubai that are, according to Congolese export documents, importing gold from the Kivus. These include Saakshi Jewellers, Hazel Trading and AR Gold. The Group is not aware of other potential importers of Congolese gold in the United Arab Emirates, because customs authorities have not shared with the Group any detailed statistics for 2011 as requested.

(d) Industry associations

366. In June 2011, the World Gold Council released its latest draft standard for conflict-free gold. The draft standard was evidently produced with high awareness of the due diligence guidelines of the Group and of OECD, which are explicitly referred to in the text. Of particular significance, in the Group's view, is section 3.2 of the draft standard, which states that "the receiving refinery is responsible for undertaking due diligence on their suppliers and ensuring the integrity of the chain of custody between the mine and the refinery". The draft standard pays insufficient attention to the important issue of how Council members are to treat gold that comes not from another Council member, but from artisanal sources, through traders. However, it is welcome that the draft standard establishes the basic due diligence principle that individuals and entities trading, processing and consuming gold must take reasonable steps to establish where it came from, the circumstances of production and the circumstances of the supply chain between the mine and themselves.

367. The London Bullion Market Association began its engagement with the Group in 2010 and has developed high awareness of the Group's due diligence guidelines. The Association is in the process of drafting "responsible gold guidance" for "good delivery" refiners, intended in part to avoid contributing to conflict, which follows the five-step framework for risk-based due diligence proposed by the United Nations and OECD. The Association's guidance could play an important role in informing the due diligence of its members. The final version of the guidance, however, should pay greater attention to the need for supply chain participants to

gather qualitative information as well as documentation on the gold passing through their hands, which requires some form of on-the-ground assessment, as recommended in step 2.B of the Group's due diligence guidelines.

B. Evaluation of the impact of the due diligence guidelines on the mining sectors of eastern Democratic Republic of the Congo and other red-flag locations

368. The Group's due diligence guidelines have had an impact on the mining sectors of eastern Democratic Republic of the Congo and neighbouring red-flag locations, but have — to a degree — been eclipsed by the impact of the Dodd-Frank Act, through the purchasing decisions of smelters and refiners seeking conflict-free smelter status (see paras. 338 and 349 above). Because smelters and refiners seeking conflict-free smelter status have not, since 1 April 2011, bought material that they would have previously purchased, this has led to declining exports and production of tin, tantalum and tungsten ores from Maniema and North and South Kivu. The production and export of these minerals from Katanga and Rwanda, where minerals are being tagged, are rising, however. The fall in production in the Kivus and Maniema has led to rising unemployment and worsened poverty among the tens of thousands of people who depend on artisanal mining, with a consequent sharply negative impact for the economies of the affected regions as a whole. The fall in production has also had a severely negative impact on provincial and national governmental revenues.

369. Many artisanal miners who once dug for tin, tungsten or tantalum ores are reported to have switched to gold. At gold mines in red-flag locations, production appears to have risen, while it seems that the main discernable impact of due diligence guidance on the gold sector in these locations has been a decrease in transparency. It remains the case that only a tiny proportion of the gold produced in and exported from eastern Democratic Republic of the Congo is recorded. Official exports of gold from Uganda have declined in terms of value and volume during 2011, but those from Burundi have risen.

370. Overall, the production of tin, tungsten and tantalum ores in eastern Democratic Republic of the Congo and neighbouring red-flag locations has, to an extent, shifted from conflict to non-conflict zones, and, with overall production down, there has been a reduction in the level of conflict financing provided by these minerals. This conclusion is supported by the Group's findings concerning the financing of armed groups and criminal networks within FARDC in the Kivus.

371. However, because no tin, tungsten or tantalum ores from the Kivus or Maniema is currently accepted by smelters and refiners seeking conflict-free smelter status, this has also resulted in an increase in unrecorded trade and fraud as producers from these provinces have sought ways to remain in business by getting their material onto international markets. Some of these minerals from the Kivus and Maniema have been openly purchased by the few *comptoirs* based in eastern Democratic Republic of the Congo that have access to smelters and refiners accepting untagged material, while the rest have been fraudulently exported.

372. MONUSCO and the Government of the Democratic Republic of the Congo are leading a pilot project to establish five *centres de négoce* (trading counters) in North

and South Kivu (see paras. 436 and 437 below). This project should guarantee mineral traceability to validated mines in the vicinity of the *centres*, ideally involving tagging by the International Tin Research Institute Tin Supply Chain Initiative.

373. An important impact of due diligence on the tin, tungsten and tantalum mining sectors of eastern Democratic Republic of the Congo has been a growing interest among *comptoirs*, refiners and smelters in moving "upstream" by acquiring mining permits of their own, rather than simply purchasing them from others. This is because the due diligence guidelines of the Group and of OECD require individuals and entities purchasing minerals to assume responsibility for the conduct of those "upstream" from them in the supply chain, particularly where this relates to the provision of support to armed groups or criminal networks within FARDC. A growing number of industry participants have concluded that the most effective way in which to manage this supply chain risk is to take ownership of the supply chain, creating a "closed-pipe" supply chain in which only one company, instead of several, has custody of minerals from production to export.

C. Civil society

374. The Group's due diligence guidelines provide a tool with which civil society can monitor the activities of individuals and entities purchasing, processing and consuming minerals from eastern Democratic Republic of the Congo and neighbouring red-flag locations. To date, however, while numerous civil society organizations both in the Democratic Republic of the Congo and elsewhere in the world have called on business to implement due diligence, these organizations have as yet published little research and monitoring data on the detailed circumstances of their supply chains or their due diligence implementation.[126,127]

D. Member States

1. Government of the Democratic Republic of the Congo

375. The Government of the Democratic Republic of the Congo has taken significant steps to raise awareness of the guidelines and to urge companies under its jurisdiction to exercise due diligence. On 6 September 2011, the Ministry of Mines issued a *note circulaire* obliging all mining operators in the country to exercise, at every level of their supply chains, due diligence as defined in resolution 1952 (2010) and the OECD guidance (see para. 335 above). The circular, which quotes extensively from the Group's guidance, requires companies to comply within

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[126] A useful exception is the May 2011 report of Global Witness, entitled "Congo's minerals trade in the balance"; see www.globalwitness.org/library/congos-mineral-trade-balance-opportunities-and-obstacles-demilitarisation.

[127] Within the Democratic Republic of the Congo, a growing number of civil society organizations are focusing on natural resources. The Bukavu-based Observatoire gouvernance et paix has conducted studies on the militarization of mine sites in the Kivus and on the economic impact of reduced mineral production and exports, while the Goma-based Pole Institute has also researched the links between natural resources and conflict, and has made a number of policy recommendations in this regard.

45 days of its enactment or face punishments that could lead to a suspension of operating licences (see annex 87).

376. On 15 July 2011, Martin Kabwelulu, the Minister of Mines, wrote to the President of the United States Securities and Exchange Commission requesting that its regulations relating to the Dodd-Frank Act conform to the due diligence recommendations of OECD and the United Nations, and referred explicitly to both sets of guidelines. The letter also called on all individuals and entities affected by section 1502 of the Act to exercise due diligence as recommended by the United Nations and OECD. The letter went on to state that the due diligence recommendations of OECD and the United Nations were based on the principle of constructive engagement with suppliers with a view to cultivating responsible purchasing, which would permit them to contribute positively to peace and durable development in the Democratic Republic of the Congo and neighbouring countries (see annex 88).

377. A decree issued jointly in October 2010 by the Ministries of Finance and Mines launched a traceability procedures manual for mining products, from extraction to exportation. Compliance with the manual should assist individuals and entities in implementing step 1.C (a) (i), (iii) and (iv) of the Group's due diligence guidelines.[128] The Government of the Democratic Republic of the Congo, with the assistance of the German Federal Institute for Geosciences and Natural Resources, is also in the process of introducing a certification system for tin, tantalum and tungsten ores and gold. The certification system is designed to incorporate the due diligence guidance of the Group and of OECD, and the certification standards of the International Conference on the Great Lakes Region (see para. 335 above).

378. It remains to be seen what mechanisms will be put in place by the Government of the Democratic Republic of the Congo to mitigate the apparently considerable risk of the fraudulent issuance of existing documentation and forthcoming mineral certificates by Congolese Government agents. The Group is, for example, in possession of certificates issued by the Centre d'évaluation, d'expertise et de certification in Maniema that, private sector operators have insisted, was fraudulently issued.

379. Since April 2011, agents of the Service d'assistance et d'encadrement du Small Scale Mining, the Division provinciale des mines and the Centre d'évaluation, d'expertise et de certification have been assisting private sector due diligence by placing Tin Supply Chain Initiative tags on minerals at selected mine sites in North Katanga. In 2011, the provincial government of Katanga has banned the movement of untagged minerals through Katanga and the movement of Katangan minerals through other provinces. In addition, a number of Government officials are participating in joint validation missions to mines in North and South Kivu, which is a precondition for the mines' participation in the Tin Supply Chain Initiative tagging scheme. With the exception of the validation missions, these efforts by national and provincial government officials are being carried out within existing budgetary frameworks and without the use of additional externally sourced funds.

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[128] These are to establish, document and verify: the nature and exact origin of minerals; the exact locations where minerals are consolidated, traded, processed or upgraded; and all "upstream" intermediaries involved in the supply chain.

380. Another important way in which the Government assists private sector due diligence is to seek to displace armed groups from mine sites (see para. 85 above). Government assistance to private sector due diligence with regard to support for criminal networks within FARDC would be greatly enhanced by the successful criminal prosecution of FARDC members of these networks. To date, there have been only a few successful prosecutions, mostly of junior FARDC officers.

2. Government of Burundi

381. Burundi is a red-flag location through which gold, and tin, tungsten and tantalum ores, transit en route to international markets. During 2011, the Government of Burundi has begun the process of sensitizing artisanal mining cooperatives, *comptoirs* and Government officials with regard to mineral traceability and their due diligence obligations.

382. On 1 March 2011, the Minister of Energy and Mines of Burundi issued an ordinance instituting a system for the certification and control of the production, marketing and export of gold, and tin, tungsten and tantalum ores, from Burundi. The ordinance requires that all mineral exports have certificates of origin. The Minister has since stated that his country's mining code is to be amended to integrate International Conference on the Great Lakes Region certification, and United Nations and OECD due diligence.

383. In 2011, the Government of Burundi has signed an agreement with the International Tin Research Institute regarding the implementation of a tagging system, but progress has been delayed by a lack of funds. The Burundi Government also informed the Group that its efforts to sensitize Government officials and the private sector about due diligence were being hampered by a lack of funds and technical expertise. The Government expressed to the Group its view that there had been no unrecorded imports of minerals from the Democratic Republic of the Congo into the country. This is at odds with information gathered by the Group and indicates that the Government's role in helping the private sector carry out due diligence is being hampered by serious deficiencies in its border controls.

3. Government of Rwanda

384. Rwanda is the first country in the region to have implemented the Tin Supply Chain Initiative tagging system nationwide, in order to curb the illegal trading of tin, tantalum and tungsten, and to facilitate the exercise of due diligence by Rwandan companies. By September 2011, more than 80 staff of the Rwanda Geology and Mines Authority were employed in tagging minerals in more than 100 mine locations across the country. Officials told the Group that the process covered nearly all domestic mineral production.

385. On 10 March 2011, the Rwandan Ministry of Forestry and Mines issued a set of regulations forbidding the import of untagged material from other countries, and decided to impound fraudulent minerals imported or circulating in the country.[129] Significantly, however, the regulations do not apply to sealed minerals that transit through Rwanda. Since the regulations came into effect, Government authorities have seized several shipments of minerals from the Democratic Republic of the Congo lacking Tin Supply Chain Initiative tags. However, many other untagged

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[129] Ministerial Order No. 003/MINIFOM/2010.

shipments have succeeded in passing through the country undetected, prompting allegations from some private sector operators of capacity deficiencies and corruption within the Rwanda Revenue Authority.

386. In April 2009, well before the introduction of nationwide tagging, the Rwanda Geology and Mines Authority had begun the implementation of a set of certification standards that had been developed by Germany's Federal Institute for Geosciences and Natural Resources. In addition to traceability, these standards concern transparency, labour and working conditions, security, community development and environmental aspects. By September 2011, four semi-industrial mining companies had undergone an independent compliance audit.

4. Government of Uganda

387. The Group has not received any details about changes in Ugandan mining laws and policies concerning mineral certification and traceability. Officials in the Geological Survey Department of Uganda's Ministry of Energy and Mineral Development told the Group that a Tin Supply Chain Initiative feasibility study had been carried out to review the potential for the traceability of tin, tungsten and tantalum mining in south-western Uganda. According to the Initiative, the project is awaiting a final report, which will allow for an implementation plan and budget to be drawn up and considered by relevant parties.

5. Government of the United Kingdom

388. The Government of the United Kingdom has sought to raise awareness of the Group's due diligence guidelines in several ways. First, the Foreign and Commonwealth Office has hosted a seminar for the private sector on due diligence. Secondly, the Office has put the Group's guidelines on its website, as part of a collection of materials intended to help businesses trading in minerals sourced from conflict-affected areas of the Democratic Republic of the Congo, or whose products include components that include such minerals, according to a note verbale dated 3 August 2011 addressed to the Committee, which is available as a document (S/AC.43/2011/2) from the Committee's website.[130] Also on the Office's website are links from which companies can obtain further information, as well as a dedicated e-mail address (conflict.minerals@fco.gov.uk).

6. Government of the United States

389. The Government of the United States has taken seriously the Security Council's request that Member States raise awareness of the due diligence guidelines and urge individuals and entities under their jurisdiction to exercise due diligence. As requested by two separate legislative Acts, the State Department has produced a conflict minerals map indicating mineral resources in eastern Democratic Republic of the Congo and conflict-affected areas. The map can assist individuals and entities seeking to conduct risk assessments in line with step 2 of the Group's guidelines.

390. The State Department has informed the Group that it has held consultations with at least 50 companies or associations, both United States and foreign, regarding due diligence and overall Dodd-Frank compliance. Department officials have made

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[130] http://www.un.org/sc/committees/1533/reports.shtml.

numerous public presentations on due diligence and Dodd-Frank compliance, and the Department has told that Group that it has reached out to at least 30 foreign Governments on the issue.

391. Within the Democratic Republic of the Congo, the United States Agency for International Development (USAID) has partially financed joint validation team missions in North and South Kivu that provide information critical for company due diligence risk assessments. In September 2011, the State Department and USAID launched the Public-Private Alliance for Responsible Minerals Trade, which they described as a hub for those seeking information and ways to take action on responsible minerals trade and sourcing, and generating additional resources to fill key gaps for a verifiable conflict-free supply chain. The Alliance has already been joined by a number of companies and organizations, including the Electronics Industry Citizenship Coalition and Global e-Sustainability Initiative. The Alliance has stated that it will support pilot programmes, intended to lead to self-sustaining systems, that provide a fully traced and validated supply chain that is credible in the eyes of companies, civil society and Government.

392. With the adoption of the Dodd-Frank Act, the United States became the only Member State thus far to have adopted legislation requiring individuals and entities using gold, tin, tantalum and tungsten from the Democratic Republic of the Congo and neighbouring countries in their products to implement due diligence and to disclose such implementation. The Act has had a huge impact on awareness and implementation of the Group's due diligence guidelines both in the United States and globally.

393. Section 1502 of the Act requires that as from January 2012, publicly listed United States companies report to the Securities and Exchange Commission on the due diligence that they have undertaken regarding the source and chain of custody of any gold, tin, tantalum and tungsten from the Democratic Republic of the Congo or neighbouring countries contained in their products. The Act also requires that such companies report to the Commission on any of their products that are not "DRC conflict free". The Act instructs the Commission to publish regulations relating to section 1502, and the Group understands that such regulations will be published in November 2011.

394. On 15 July 2011, the United States Bureau of Economic, Energy and Business Affairs issued a statement indicating that "it is critical that companies begin now to perform meaningful due diligence with respect to conflict minerals". According to the statement, the State Department "specifically endorses the guidance issued by the Organization for Economic Cooperation and Development … and encourages companies to draw upon this guidance as they establish their due diligence practices". The statement outlined the five-step framework of the due diligence guidelines of the Group and of OECD, correctly stressing that, while a company might rely on the documented representations of suppliers further "upstream", it also had to take "the appropriate internal and independent auditing measures and due diligence steps set forth in the five-step framework".

395. Although the Act does not prohibit or prescribe sanctions for companies that disclose to the Securities and Exchange Commission that their products are not "DRC conflict free", it has become clear that companies are doing their utmost to ensure that they do not have to make such disclosure. This has led many companies to refuse any gold, tin, tantalum or tungsten that might originate from the

Democratic Republic of the Congo or neighbouring countries. Members of the Electronics Industry Citizenship Coalition, however, have been prepared to purchase materials tagged under the Tin Supply Chain Initiative (see para. 335 above).

396. To ensure that their products are labelled in the United States as "DRC conflict free", companies will need to demonstrate that those products do not contain minerals that benefit any armed group. The Dodd-Frank Act's definition of an armed group appears to include FARDC, despite the fact that it is the army of a sovereign State currently in a process of security sector reform partly funded and provided by the Government of the United States.

397. Step 3.E of the Group's due diligence guidelines permit payment to the armed forces at or around mine sites provided that it is solely for the provision of security and the rule of law, and is carried out transparently and via appropriate civilian structures. Yet such payments might require a "not DRC conflict free" disclosure under Dodd-Frank. Additionally, in cases in which individuals and entities are sourcing from mines in the Democratic Republic of the Congo at which there is illegal FARDC involvement in mining, they will also have to make a "not DRC conflict free" disclosure. This will be the case even if those individuals and entities are complying with step 3.F of the due diligence guidelines of the Group and of OECD, concerning how they mitigate the risks posed by illegal FARDC involvement in mining.

398. In July 2011, the Group co-authored and signed a multi-stakeholder letter to the Securities and Exchange Commission that highlighted step 3.F of the Group's guidelines. The letter recommended that Commission regulations not require a "not DRC conflict free" disclosure for products containing minerals from the Democratic Republic of the Congo with respect to which there is illegal FARDC involvement in mining but purchasers are in the process of implementing a mitigation strategy to achieve "substantial progress" towards ending that involvement. The Group remains of the view that Commission regulations should not require companies that have implemented the Group's guidelines in good faith to be adversely affected by disclosure requirements under section 1502 of the Dodd-Frank Act.

399. In October 2011, the State of California took the unprecedented step of introducing its own legislation concerning due diligence when it adopted Senate Bill 861. The Bill quotes extensively from Group reports recommending that companies exercise due diligence, and states that those disclosing to the Securities and Exchange Commission information relating to conflict minerals in the Democratic Republic of the Congo cannot tender for State contracts.

7. Government of China

400. Since 1 April 2011, the main *comptoirs* buying tin, tungsten and tantalum ores from eastern Democratic Republic of the Congo have been TTT Mining, Donson International and Huaying Trading. Industry sources told the Group that Chinese tantalum and tungsten refineries had been the main purchasers of this material from eastern Democratic Republic of the Congo for several years. There had also been significant purchases of tin ores from eastern Democratic Republic of the Congo by Chinese companies. Awareness and implementation of due diligence on the part of these companies is therefore of critical importance. The Group was informed by the Government of China in 2010, prior to the publication of the Group's due diligence

guidelines, that it had urged companies under its jurisdiction to exercise due diligence.

401. In 2011, the Group has requested to visit China to meet with officials of Ministries of the Chinese Government that are taking measures to urge companies to exercise due diligence. The Group has also requested to visit several refineries known to process mineral ores from the Democratic Republic of the Congo, including Zhuzhou Jiabang Refractory Metal Company, Zhuzhou Cemented Carbide Works Import and Export Company, the Nanjing Refinery, Duoluoshan, Fogang Jiata Metals Company, Xiamen Tungsten Alloys Company and Uniton Industries. The Group was, however, informed by the Chinese Government that it would not be possible to carry out such a visit during its current mandate.

8. Government of South Africa

402. The Department of Trade and Industry of the Government of South Africa funds a regional spatial development initiative, housed in the Development Bank of Southern Africa and intended to promote regional integration through "development corridors".[131] The Department has earmarked $2.8 million, to be spent over two years, to assist the United States-based consultancy Pact in continuing to roll out the Tin Supply Chain Initiative tagging scheme in the Democratic Republic of the Congo and neighbouring countries. This will accelerate the scheme's roll-out, facilitating private sector due diligence and permitting more mining output from the Democratic Republic of the Congo and neighbouring countries to gain access to international markets.

9. Government of Malaysia

403. The Group met with officials from the Ministry of Foreign Affairs and the Ministry of Natural Resources and Environment of the Government of Malaysia during a visit in September 2011. The officials affirmed the support of the Malaysian Government for the Group's guidelines, despite the increased costs that they imposed, and stated that the Government expected and required Malaysian companies sourcing minerals from the Democratic Republic of the Congo and neighbouring countries to implement the guidance. The officials said that Malaysian compliance with the guidance promoted healthy diplomatic relations with African States. They added that they had been in regular contact with Malaysia Smelting Corporation concerning its involvement in the Democratic Republic of the Congo and neighbouring countries, and due diligence implementation. The officials also commented that the Government did not want a situation in which Malaysian companies complied with international due diligence guidance while companies in other countries did not, resulting in increased profits for companies in other countries but an unfair loss of market share for Malaysian companies.

10. Government of the United Arab Emirates

404. In 2010, the Dubai Multi Commodities Centre, Dubai's free-trade zone for precious metals and gems, formulated a policy and guidance on the due diligence that it required of its members concerning "know your customer" requirements, and mitigation of the risk of being a party to money-laundering and financing of

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[131] See http://www.r-sdi-p.com/.

terrorism.[132] The Centre's guidance and policy stress the legal duty of management, staff and members to report any suspicious activity or information to the Anti-Money Laundering and Suspicious Cases Unit, which is based at the Central Bank of the United Arab Emirates, through the Compliance and Inspection Director of the Centre. The latter is required by the policy to issue regular circulars about red-flag activities that might signal money-laundering and terrorism. The Group is ready to follow the suggestion of the Centre representatives with whom it met in the United Arab Emirates that it request disclosure reports from the Central Bank that could be relevant to its mandate.

11. Government of Germany

405. For several years, the Government of Germany has generously funded a programme carried out by the Federal Institute for Geosciences and Natural Resources to assist the Government of the Democratic Republic of the Congo in implementing a mineral certification system in eastern Democratic Republic of the Congo. The certification system incorporates the due diligence guidelines of the Group and of OECD (see para. 335 above). Institute officials have also participated in joint missions validating mine sites in eastern Democratic Republic of the Congo. In addition, the Institute has provided technical assistance for mine certification in Rwanda. The German cooperation agency Gesellschaft für Internationale Zusammenarbeit is providing technical assistance to the International Conference on the Great Lakes Region, including its emerging mineral certification system.

E. International organizations

1. International Conference on the Great Lakes Region

406. The Group has worked closely with the International Conference on the Great Lakes Region during its mandate on issues relating to due diligence and minerals certification, and welcomes the Conference's strong commitment to ending conflict financing from natural resources among member States.

407. The Conference and OECD signed a memorandum of understanding late in 2010 concerning their future collaboration, which included the shared aim of creating conditions favourable for the implementation of OECD due diligence guidance. The Conference is implementing this agreement first by supporting the integration of OECD due diligence guidance into the legal framework of its member States. The Conference has proposed to its member States that they make the exercise of due diligence by companies operating under their jurisdiction legally binding, and that companies not exercising due diligence be subject to sanctions, including the loss of their mineral rights and licences.

408. Secondly, the International Conference on the Great Lakes Region has committed to facilitating an awareness-raising process in Conference member States on the OECD due diligence guidance. The process is scheduled to begin in October 2011.

409. In addition, Conference representatives have participated in joint mine validation missions in eastern Democratic Republic of the Congo, while the

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[132] See http://www.dmcc.ae/jltauthority/compliance/.

organization is also pushing ahead with the implementation of a regional mineral certification scheme, which has incorporated the due diligence guidance of the Group and of OECD, and which should assist individuals and entities from Conference member States in implementing due diligence.

410. The Conference was a co-drafter and signatory of a multi-stakeholder letter concerning due diligence, also signed by the Group, that was sent to the United States Securities and Exchange Commission in July 2011.

2. Organization for Economic Cooperation and Development

411. The Group worked closely with OECD during 2010 in the preparation of the due diligence guidelines of the Group and of OECD, and has continued its close cooperation in 2011.

412. The due diligence guidelines of OECD received the formal endorsement of its member States in May 2011. Since then, OECD has worked to finalize a supplement to its guidance aimed specifically at the gold industry, and has commissioned an evaluation by the International Peace Information Service of due diligence implementation, particularly in eastern Democratic Republic of the Congo and Rwanda.

413. OECD is cooperating with the International Conference on the Great Lakes Region to raise awareness of its guidelines among Conference member States (see para. 335 above) and has continued to convene multi-stakeholder meetings that allow for discussion, debate and decision-making about outstanding issues in the areas of due diligence implementation and minerals certification.

Remaining due diligence issues

414. Evaluation of the impact of the Group's due diligence guidelines has indicated several areas in which more work is required to ensure their maximum positive impact. The *note circulaire* of the Government of the Democratic Republic of the Congo dated 6 September 2011, requiring all companies under its jurisdiction to implement Group and OECD due diligence (see para. 335 above), is a welcome development, but the Government has indicated to the Group that it will require technical assistance in order to determine whether the new requirement is being met. Additionally, *comptoirs* in eastern Democratic Republic of the Congo and in neighbouring countries that source from the Democratic Republic of the Congo need to establish investigative capacity on the ground as part of their due diligence risk assessments. Here, too, there may be space for a constructive supporting role for international partners.

415. The process of validating mines in eastern Democratic Republic of the Congo and neighbouring countries in terms of their conflict status, and the subsequent roll-out of a system for tracing minerals to these mines, are being slowed by a lack of funds. While traceability should be self-financed by the industry, there is a strong case for assistance from other funding sources during the start-up period.

416. The issue of the stockpiles of untagged and untraced tin, tantalum and tungsten ores that have accumulated in various sites in eastern Democratic Republic of the Congo needs to be addressed. Even if some of these stocks have benefited armed groups or criminal networks in FARDC, leaving the stocks unsold will not reverse this. At the same time, verification and traceability schemes require financing, and

there are other community and environmental initiatives in affected provinces that are also in need of funds. The Group is of the view that the stocks should be tagged as such and sold, with an agreed cut-off point, and that the proceeds should be used to finance improved verification, traceability, and community and environmental initiatives in affected provinces.

417. Individuals and entities that are from countries other than OECD member States, that purchase, process and consume minerals from eastern Democratic Republic of the Congo and neighbouring red-flag locations and that have not yet committed to implementing the Group's due diligence guidelines need to do so, and their Governments should take further steps to urge them to do so.

418. Auditing is an essential component of due diligence, but as yet there is no agreed way to carry out due diligence auditing. A welcome start has been made in the development of due diligence auditing procedures, but much more work is required, preferably with increased input from established international auditing companies. Further discussion is also required on how to distribute auditing costs throughout supply chains. Because of their special place in supply chains, smelters have the primary responsibility for due diligence audits, but that does not mean that they should have to bear the whole cost. "Upstream" and "downstream" supply chain participants also have an interest in due diligence audits, and should therefore contribute to their financing.

419. The Group was unable during its current mandate to evaluate the impact of the due diligence guidelines in China and India, despite the fact that those two countries are important destinations for minerals from eastern Democratic Republic of the Congo. It is, however, important that due diligence implementation by Chinese and Indian companies be evaluated to ensure the coherence and credibility of international efforts to end the financing of armed groups and FARDC criminal networks in the Democratic Republic of the Congo by means of natural resources.

VII. Natural resources

A. Minerals

420. The Group has observed throughout its successive mandates that the involvement of armed actors in the mineral trade takes many forms, and proposed in its 2010 final report (S/2010/596) a classification of those forms, as follows: illegal taxation, protection, commercial control and coercive control.

421. Pursuant to paragraph 10 of resolution 1896 (2009), the Group has, during its current mandate, investigated the illegal exploitation and trafficking of natural resources in the eastern part of the Democratic Republic of the Congo and strategic mines known to be controlled or used by armed groups. In addition, the Group has investigated the role of sanctioned individuals and of criminal networks within the national armed forces in the illegal exploitation and trafficking of natural resources, which the Security Council, in paragraph 7 of resolution 1952 (2010), also recognized as elements exacerbating the conflict. The Group visited several mining areas in the provinces of North and South Kivu and Maniema as well as Tanganyika district in North Katanga and Ituri district in Orientale Province (see annex 89).

422. Three key findings stand out in the results of this research. First, the evacuation of FARDC forces from a number of mining areas as part of the regimentation process, in combination with the slow and incomplete deployment of mining police, has led to renewed incursions of armed groups into those areas to extort payment from local mining populations and obtain access to the minerals that they produce. Secondly, disputes between operators over mine site ownership have continued to result in their association with FARDC criminal networks in order to ensure their access to these mines and the supply chains extending from them. Thirdly, as a consequence of international and domestic opposition to their levying illegal taxes at mine sites and roadblocks, FARDC criminal networks are increasingly exercising commercial control over mineral trading chains through a combination of investments in mineral purchases, the protection of local mine operators and the facilitation of the transport and fraudulent export of minerals. The mining ban and the withdrawal of the main international buyers after its lifting appear to have increased the need for fraudulent operators to seek or accept military assistance in their mineral smuggling operations.

423. In its final report of 2010, the Group summarized the laws and regulations that make illegal the involvement of FARDC in mining and the mineral trade.[133] As it had in 2010, the Group has observed in 2011 that although military prosecutors have successfully prosecuted some culprits, many attempts have proved fruitless because of limited logistical resources and obstruction by superior officers. Furthermore, the prosecution of high-ranking FARDC officers is rarely attempted, for fear for reprisal actions. As a result, effective prosecutions concern lower-ranking FARDC officers implicated in relatively small mineral transactions. The prosecution of economic actors collaborating with military elements in fraudulent transactions is equally rare. Judicial investigations following seizure cases in the Democratic Republic of the Congo and Rwanda rarely reveal the owner and the consignee of the minerals, and in cases in which these have been revealed, judicial follow-up action has been minimal.

424. Pursuant to paragraph 6 of resolution 1952 (2010), the Group has also investigated regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of the Congo. The Group visited Kampala, Bujumbura, Kigali, Gisenyi, Nairobi, Mombasa, Dar es Salaam, Mwanza, Kigoma, Kuala Lumpur and Dubai to investigate their importance as economic hubs and destinations for the licit and illicit mineral trade from eastern Democratic Republic of the Congo. Pursuant to paragraph 19 of resolution 1952 (2010), these visits also allowed the Group to obtain import and export statistics for natural resources and to discuss joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

425. The Group's investigations established the existence of several trading networks, represented in various cities in the region, that channel gold from eastern Democratic Republic of the Congo to destinations outside Africa. These networks, involving both businessmen and military figures, deal in real gold, but also try to sell non-existent or counterfeit gold. The Group obtained a number of false export documents used to persuade buyers to make a first payment, or to enable carriers to

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[133] S/2010/596, para. 176.

pass through customs in transit countries or countries of destination. The Group also found that official exports from neighbouring countries may contain concealed Congolese gold, owing to the limited requirements of documentary proof of origin imposed on exporters by national mines and customs authorities when obtaining export authorizations. Joint investigations into regional criminal gold trading networks have so far been conducted only between the authorities of the Democratic Republic of the Congo and those of Kenya.

426. The Group has not found conclusive evidence that neighbouring countries export minerals originating from the Democratic Republic of the Congo as if those minerals have originated in the countries themselves. There is, however, conclusive evidence of the widespread smuggling of these minerals across the border of the Democratic Republic of the Congo. Figures for minerals exports from Rwanda (see annex 90) and Burundi (see annex 91) have risen substantially during 2011. Official exports of tin ore from eastern Democratic Republic of the Congo, with or without Tin Supply Chain Initiative tags, continue to transit through Rwanda.

Key developments in the natural resources sector

427. On 10 March 2011, the Government of the Democratic Republic of the Congo lifted its suspension of all artisanal mining activity in North Kivu, South Kivu and Maniema, which had been in place since 11 September 2010. On 1 March, prior to the lifting of the suspension, the Ministry of Mines organized a national forum that saw the adoption of several commitments regarding mineral traceability and certification, signed by, inter alia, the Governors of the two Kivus and Maniema, artisanal miner representatives, traders, civil society representatives, the holders of mining rights, transporters and Congolese mining authorities.

428. Mining services in the three provinces have since updated registries and carried out monitoring of diggers, *négociants*, *comptoirs* and transporters of minerals. On 5 March 2011, the Governor of North Kivu established a mine monitoring committee tasked with compiling an inventory of traders and investigating fraudulent activities associated with minerals arriving from Maniema Province. On 14 June, the committee produced its first report (see annex 92), which indicated widespread fraud and hinted at the involvement of FARDC criminal networks. Similar committees in South Kivu and Maniema are not yet operational.

429. In June 2011 in Goma and Bukavu, TTT Mining, Huaying Trading and Donson International started to purchase and export tin and tantalum ore that had been mined after the lifting of the presidential mining ban in March. Some of the other *comptoirs* active before the mining ban informed the Group that they had purchased small quantities of minerals after the lifting of the ban but had not found a buyer or had been obliged to sell their minerals to the above-mentioned *comptoirs* at a loss. The investment companies Tolead, Unilink Trading, Park-in com and Chengjian Tower are among the main buyers of tin ore from eastern Democratic Republic of the Congo (see annex 93).

430. Chinese trade statistics show that Zhuzhou Jiabang Refractory Metal Company and Zhuzhou Cemented Carbide Works Import and Export Company, in Yuan district, Hunan Province; Nanjing Refinery, in Jiangsu Province; Duoluoshan, in Sihui City; Fogang Jiata Metals Company, in Guangzhou City; and Xiamen Tungsten Alloys Company, in Xiamen, imported tantalum ores from the Democratic Republic of the Congo during 2010. In 2011, the only recorded importer of tantalum

ore from the Democratic Republic of the Congo has been Jiangxi Jingtai Tantalum Industry Company (see annex 94). However, a number of refineries are recorded as importing tantalum ore from Rwanda.[134]

1. Demilitarization of the mines and deployment of mine police

431. During its current mandate, the Group has participated in the activities of the North Kivu mining sector monitoring committee, specifically with regard to the demilitarization of mines, together with representatives of the national police force (PNC), FARDC and MONUSCO. The aim has been to replace FARDC at mine sites with mine police accompanied by mining authorities.

432. MONUSCO has agreed to provide logistical support for the deployment of mine police, but not for the maintenance of a permanent force at mine sites such as Bisie, emphasizing that the Mission's first priority is the protection of civilians. However, civilian protection issues often arise around mine sites, and the Group considers that the two tasks can be better coordinated. In addition, there are alternatives to a permanent MONUSCO presence at mine sites, including spot checks at high-risk mine sites.

433. Concerning Bisie, in July 2011 committee members agreed that because of the risk of attacks by Mai Mai Sheka (see paras. 193 and 194 above), FARDC needed to deploy there first, to establish a ring around the mine site that would protect the mine police. There was subsequently a limited deployment of mine police, but, as a result of continued attacks by Mai Mai Sheka, combined with logistical constraints, no further police were dispatched. In August, at a security committee meeting in Walikale centre, businesspeople offered financial contributions to encourage FARDC deployment.

434. There is a police presence at mine sites in Rubaya, but as yet there has been no deployment of specialized mine police. When the Group visited mine sites in the area around Rubaya, it met with Major Louis Rwagasore, who said that he was the commander of the mine police there. However, according to personnel at the provincial mine police headquarters in Goma, neither Rwagasore nor any other police in Rubaya have received the training necessary to be designated as mine police. The Group has determined that Rwagasore is part of a "parallel" police structure established by Colonel Zabuloni in Rubaya, Masisi and Ngungu (see paras. 305 and 306 above).

435. In May 2011 in South Kivu, the Deputy Commander of the mine police in Kamituga deployed 16 mine police officers who had been trained by the United Nations police in 2010 to Mugogo, despite the fact that the trading counter there had not yet been opened. They had to return to Kamituga in July because of the absence of an operational budget.

(a) Trading counters

436. The construction of three out of five planned trading counters (*centres de négoce*) at Isanga, Walikale territory, and Rubaya, Masisi territory, both in North

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[134] These include Conghua Tantalum and Columbium Smelter Factory, Duoluoshan, Jiangmen Fu Xiang Electronic Material Company, Jinjiang City Jin Xin Non-Ferrous Metal Company, Jinjiang Tantalum and Columbium Company, Yixing City Fan Tai Travelling Development Company, and Zhuzhou Cemented Carbide Works Import and Export Company.

Kivu, and at Mugogo, Walungu territory, in South Kivu, had been completed by May 2011. A validation process (see para. 437 below) has been established to ensure that only minerals that do not fund conflict are traded at the counters. The validation process covers mine sites within a 25 km radius of each trading counter. Once validation has been completed for a trading counter, a list of sites near that counter and their status is submitted to the Minister of Mines for approval. "Green" sites are those that are not controlled by armed groups or "uncontrolled" security forces, and where social rights are respected (as indicated mainly by the absence of child labour). "Orange" sites include those indirectly controlled by an armed group or "uncontrolled" public security services, including through taxation along the supply route. "Red" sites are those where an armed group or "uncontrolled" public security services are physically present in the mine.[135] The list of "green" sites is to be made public on the Ministry of Mines website.

437. During June and July a validation mission was conducted to Mugogo that visited gold and tin and tantalum mines intended to supply the trading counter there. The team could not visit the Mukungwe gold mine owing to tensions between rival militias. At the time of reporting, the Mugogo validation report was awaiting approval by the national Minister of Mines. A validation mission visited Rubaya in August, but an additional mission is planned before a final report is published. Validation missions are to be conducted every three months.

(b) Mapping

438. In July 2011, the Ministry of Mines of the Democratic Republic of the Congo released an official map of the eastern part of the country that included information on the locations of mine sites, military forces and trading counters, prepared with the assistance of MONUSCO and the International Peace Information Service.[136] The Tin Supply Chain Initiative tagging project intends to supplement information included on the maps with mine baseline studies and continual monitoring reports from staff on the ground. The Service and the national mining cadastre concluded a protocol accord in April 2011 to work together to periodically update the map and make it interactive. This map is also available from the website of the State Department of the United States (see paras. 389 and 390 above).[137]

2. Case studies

(a) Tin, tantalum and tungsten

(i) Production and trade in the Democratic Republic of the Congo

North Kivu

Rubaya

439. The Group gathered evidence indicating that during the mining ban, activities had continued illegally in most of the mines in Masisi under the strict control of former CNDP members, FARDC and "parallel" police. According to local authorities, several weeks after the suspension had entered into force, "parallel"

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[135] During the validation process, the term "black" is used; the original project document for the *centres de négoce* refers to this category as "red".

[136] See http://mines-rdc.cd/fr/index.php?option=com_content&view=article&id=178.

[137] See https://hiu.state.gov/Products/DRC_MineralExploitation_2011June14_HIU_U357.pdf.

police commanders Colonel Zabuloni and Major Louis Rwagasore held a meeting at the mine sites in Rubaya, southern Masisi territory, at which they decided that they would continue the exploitation of the mines regardless of the suspension and oversight activities. Rwagasore was assisted by military forces of Colonel Yusuf Mboneza,[138] as well as by Colonel Ibra, deputy commander of the "parallel" police. During the suspension, the actual owners of mine sites could not gain access to their mines. Most of the illegal exploitation was carried out at the Gakombe mine, which produces coltan.

440. Colonel Zabuloni told the Group that military and police elements authorized mining activities only after they had been paid. In addition, FARDC troops obliged diggers to work for Colonel Mboneza during certain hours of the day; any material extracted outside those hours had to be shared with military and police elements. According to local chiefs and mining authorities, Rwagasore shared part of the revenues with Zabuloni and Ibra, but most revenues were transferred to Ntaganda.

441. During the suspension, minerals were brought to Goma with a military escort. Colonel Ibra often sent his vehicle to transport minerals. State officials told the Group that five to six military vehicles transported minerals from Rubaya to Goma three times a week on market days in Rubaya and Bihambwe. On the road to Goma, at the barrier at Mushaki, soldiers stopped civilians who transported minerals, but facilitated the passage of military vehicles carrying minerals.

442. The Group determined that during the suspension, the *comptoir* Fradebu had been an important buyer of minerals from Rubaya. The Group obtained a copy of a letter in which the *comptoir* alleged that three tons of its stock of tantalum ore had been stolen from its depot in Goma (see annex 95). Investigative authorities found that the boxes from which the minerals were supposed to have been taken had not been forced open, and that guards protecting the material had been sent away just before the "theft". They also found that prior to the incident, a trader named Yakuba Rwakabuba had been busy negotiating a mineral deal with Fradebu. Investigative authorities told the Group that they suspected collusion between Fradebu and Rwakabuba and that the alleged theft had never really taken place. The minerals in question had subsequently turned up in Kigali, while Fradebu had ceased operations.

Numbi

443. During its current mandate, the Group has visited the town of Numbi and the surrounding mine sites of Fungamwaka (producing tourmaline and tin ore), Mungwe (manganese) and Kakenge (tin and tantalum ore). Mungwe and a part of Fungamwaka are managed by the Great Lakes Mining Company, which is managed by Edson Musabarura. During the suspension, according to mining authorities, Edson came to Numbi along with 25 soldiers loyal to General Ntaganda (see paras. 238-242, 279 and 297-313 below and paras. 443-445, 460-465, 485-487, 498-504, 530, 542, 547, 569, 571 and 597-631 above) and told the diggers to resume the exploitation. The same authorities estimated that the mines had produced $200,000 worth of manganese and $20,000 worth of tourmaline during the suspension, most of which had gone to Great Lakes Mining. Because the company does not collaborate with mining authorities in Numbi, no official statistics are available.

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[138] S/2010/596, paras. 190-192.

444. While it was present in Mungwe, the Group observed two soldiers and was told that five soldiers loyal to Ntaganda were permanently present there, staying in a house overlooking the village. The group also witnessed that the mine was in operation. Manganese is transported with a military escort, using porters and motorbikes, to Ngungu and then to Goma. Some of the manganese is first stored at Numbi before being transported. Local authorities pointed out a depot for this purpose belonging to retired General Kamwanya Bora (see para. 504 below). Mineral traders and transporters attest that a man named Enoch purchases the manganese in Goma and that the *comptoir* Donson International is a buyer of tourmaline from Fungamwaka. There are no official exports of manganese or tourmaline from the Kivus. Ugandan trade statistics do, however, reveal tourmaline imports from South Kivu (see para. 540 below).

445. During the suspension, soldiers sent by ex-PARECO FARDC Colonel Saddam Ringo, commander of the 24th sector, occupied the mining site of Kakenge. According to ex-PARECO FARDC commanders, Ringo allied himself with General Ntaganda at the start of the mineral suspension. The Group has a copy of a letter signed by Ringo ordering the installation of Rwaburamba Birekeraho as Kakenge manager, under the protection of Captain Gasana (see annex 96). Prior to the ban, a man named Vani was the manager of Kakenge.

446. Numbi attracted high-level attention when, in the beginning of October, a delegation accompanying the President's wife, Olive Lemba Kabila, on an official mission to eastern Democratic Republic of the Congo travelled to Numbi and visited mines run by the Great Lakes Mining Company. The mission arrived one month after the renegade "Nyatura" PARECO faction had attacked Numbi and Fungamwaka, on 8 September.

Bisie and Obaye

447. During its current mandate, the Group has visited Njingala three times to monitor the progress made towards the demilitarization of the principal tin mine in the Kivus (see annex 97). As of August 2011, Bisie production levels were one tenth of those during 2010 and prices remained at roughly half of their previous levels. While during 2010, mining authorities at Njingala recorded an average of 10 tons of tin ore per day passing through their checkpoint on the road from Bisie, in interviews with the Group, mining officials indicated that since the lifting of the mining ban, porters had transported only 1 ton per day.

448. As described earlier in the present report, the armed group NDC has taken advantage of the demilitarization of Bisie in order to tax local communities, invest its own resources and install collaborators in the mineral supply chain (see paras. 193 and 194 above). Given the links between NDC and criminal networks within FARDC, the Group suspects that the armed group's strategy may serve to justify the redeployment of FARDC to the areas surrounding the mine, a proposal that even civil society and mining authorities in Walikale have begun to consider.

449. The Group has observed significant progress in the demilitarization of the Bisie mine through the redeployment of FARDC units in Walikale during the regimentation process. However, important challenges remain. First, the Group learned that during the three weeks following the mining suspension, the amount of mineral stocks evacuated had been twice that officially recorded at the outset of the suspension. Mining authorities attributed this discrepancy to the involvement of

FARDC criminal networks in fraudulent mining during the suspension. In addition, the Group learned from truck drivers transporting stocked materials after the lifting of the suspension that FARDC had erected 20 illegal checkpoints on the way to Goma, at each of which transporters were supposed to pay $20.

450. Secondly, according to FARDC officers and mining authorities in Walikale, there have been no major sales of mining pits at Bisie since the mining suspension. However, understanding the message that their overt involvement is not welcome and clearly contravenes military law and the mining code, criminal networks have begun to work increasingly through intermediaries in order to continue profiting from the mineral trade at Bisie. Colonel Innocent Kaina,[139] 805th regiment Commander, has invested personal funds and funds of Rwandan business partners in Bisie, according to mineral traders and Congolese intelligence officers.

451. According to mineral traders, mining authorities from two Government agencies, diggers, and transporters consulted in Njingala, the only *comptoirs* in Goma currently purchasing minerals from Njingala were Huaying Trading, TTT Mining and Donson International. In the week following the occupation of Bisie by NDC, five separate Congolese traders selling to these *comptoirs* from Njingala told the Group that they had received no inquiries from *comptoir* personnel regarding the conditions of mineral exploitation.

452. Minerals from the Obaye tin mine south of the Walikale-Kisangani axis also transit through Njingala. Mining authorities told the Group that, as Obaye's minerals were within a Sakima concession (see para. 347 above), they did not have access to statistics on production levels or mines of origin. Nevertheless, according to mineral traders in Walikale, the tin ore of Obaye is of a higher quality than that of Bisie and sells at a higher price. Mineral traders told the Group that the price of 1 kg of tin ore from Obaye is $5, nearly double the price of Bisie ore. Furthermore, given Bisie's decline, some mining authorities claim that Obaye now produces more tin ore than Bisie. Local Sakima officials, however, were unable to provide any statistics.

453. Nevertheless, the Group obtained evidence that FARDC criminal networks from the BAWA military base at Biruwe, which reports directly to General Amisi (see paras. 191 and 205 above and paras. 469, 471 and 514 below), control and tax heavily the production at Obaye. According to local authorities in Obaye, Colonel Abati Albert and his deputy Colonel Dido Jacques deploy a unit from the base at Obaye, led by Captains Franck and Augustin, to enforce a tax of 5 kg per pit per day as well as to enforce collective workdays, or "*salongo*", for the military in which they can gather more than 100 kg per pit.

454. When the Group visited Biruwe, the Deputy Commander of the BAWA military base there, Colonel Makutano Faustin, claimed that plans were in place to build up the infrastructure of the base so that it would resemble Kitona or Kamina. However, the Group observed no distinction between Biruwe and any other village in the area (see annex 98). According to another FARDC source within Abiti's unit, the total number of soldiers deployed at Biruwe did not exceed 150 at any given time. He also claimed to the Group that there had never been any real plans to set up a legitimate military base in Walikale. Rather, the creation of the base had been orchestrated for the explicit purpose of generating income for powerful criminal networks within FARDC through involvement in the mineral trade.

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[139] S/2010/596, paras. 161, 167, 250 and 256 and box 4.

455. Colonel Chuma Balumisa,[140] the Walikale sector Commander (see para. 635 below), has also cooperated with BAWA officers in the exploitation of natural resources. According to officers at the base, Chuma negotiated with base officials concerning his exclusive rights over the diamond mines at Mabeka, 12 km from Biruwe, where Chuma owns as many as five motor pumps, according to Congolese civilian intelligence authorities.

456. Chuma also continues to have an interest in the minerals trade from Walikale. On 28 July, a truck entered Chuma's residence in Goma after being pursued by mine police. Mining and police authorities then inspected the truck. It appeared to contain 10 tons of tin ore from Walikale, transported through Hombo and Bukavu without any documentation. Eventually, the material was brought to a licensed *comptoir*, Donson International. Mining authorities allowed the *comptoir* to purchase the minerals after the payment of due taxes (see annex 99). Chuma was present at the *comptoir* to make sure that the deal was finalized.

Lueshe

457. The Group investigated a series of security incidents in and around the mine site of Lueshe, which is situated near Kibirizi in Rutshuru territory. The mine produces pyrochlor, a rare mineral ore from which niobium is extracted. The concession is of strategic value, and two companies, Krall Metal Congo and Société minière du Kivu (Somikivu), have been fighting a legal battle over the mining rights for many years. The background of this battle has been discussed in previous reports of the Group.[141] The first contender, Krall Metal Congo, is a company registered in the Democratic Republic of the Congo but presided over by the Austrian national Michael Krall. It has a "direct and exclusive" partnership with the United Kingdom-registered company Liso Goldmines PLC. Michael Krall is also the executive director of Liso Goldmines,[142] which he runs together with Chief Executive Officer Christian Buchta.

458. Twenty per cent of Somikivu is owned by the Congolese State, 70 per cent by the German company Gesellschaft für Elektrometallurgie and 10 per cent by the Kluchevsky Ferroalloys Plant, a subsidiary of the Russian RosSpetsSplav Group.[143] Somikivu[144] claims that the Gesellschaft für Elektrometallurgie share has been offered for sale to the Government of the Democratic Republic of the Congo, but that the latter is still looking for a partner with sufficient capital to invest.

459. At the national level, political and judicial support for Krall Metal Congo dwindled after letters of support for Somikivu had been written by the Budget Minister, the Minister of Mines (see annex 100) and, finally, the Attorney General (see annex 101), who had previously ruled in favour of Krall Metal Congo. At the

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[140] S/2010/596, paras. 43, 190, 194-196 and 202-203 and box 4.

[141] S/2006/53, para. 96.

[142] Liso Goldmines PLC is listed on the Frankfurt Stock Exchange. The Group has tried to verify assertions made on the Liso Goldmines website about ongoing gold mining projects in both North and South Kivu, but has not been able to confirm any activity on the ground.

[143] Kluchevsky Ferroalloys Plant, a Russian firm, works through Congo-Russia Industry SPRL, a company registered in the Democratic Republic of the Congo. Both companies are subsidiaries of the Russian RosSpetsSplav Group.

[144] The Project Manager of Somikivu is Olivier Muhima Hangi. Congo-Russia Industry is represented by its Director General Sergey Kochkin, and its Assistant Director General, Valery Tshimpaka Katumba.

provincial level, the picture is less clear, with Governor Paluku backing Somikivu and Vice-Governor Feller giving his support to Krall Metal Congo.

460. While the legal battle seems to be coming to a close, tension on the ground is clearly rising. During a visit in July, the Group observed first-hand the division of the local population into rival camps. Each of the camps is supported by particular FARDC units, and FARDC intervention occurred on several occasions over the past year:

(a) Krall Metal Congo took control over the site on 8 October 2010 after the Vice-Governor, in the absence of the Governor, had sent a message to the territorial administrator to facilitate the installation of Krall Metal Congo at Lueshe;

(b) On 4 February, the site changed hands when a mixed Congo-Russia Industry/Somikivu delegation accompanied by a dozen FARDC soldiers retook the concession;

(c) One week later, on 11 February, a delegation from Krall, represented by Liso Goldmines' Chief Executive Officer Christian Buchta, and its Administrative Director, Gaston Kangele, and accompanied by FARDC units commanded by Lieutenant Colonel Pascal Bagabo tried to regain control over the mining site. Krall also brought along an inspector of the provincial military tribunal, who was obliged to make a ruling on-site, suspending all activities of both companies;

(d) Meanwhile, Somikivu had left behind 80 FARDC soldiers, commanded by Captain Saddam, who would later be replaced by a police force of 24 elements;

(e) On 2 May, Krall profited from an FARDC redeployment[145] to force its way into the mine. FARDC elements, commanded by Lieutenant Colonel Francois Muhire, chased away the Somikivu-hired police officers guarding the site and allowed Krall to reinstall itself;

(f) More than three months later, on 21 August, Krall was obliged to liberate the site again in favour of Somikivu after an intervention by the Governor and the provincial security council;

(g) In a further development, on 22 August, FARDC elements commanded by Lieutenant Colonel Habyara moved from Bulindi to Lueshe, where they clashed with elements commanded by Captain Saddam, exchanging AK-47 and rocket-propelled grenade fire. During the skirmish, Habyara's troops targeted a house in which Somikivu management was having a meeting, after which the executives fled the scene and spent the night in the bush;

(h) At the same time, the regiment at Bulindi refused orders to redeploy to Beni. According to ex-CNDP FARDC sources, they refused on the grounds that the orders had not been given by former CNDP commanders. Lieutenant Colonel Pascal Bagabo wrote a complaint to justify his refusal to redeploy (see annex 102), but two FARDC officers told the Group that the order not to redeploy had come from Ntaganda (see paras. 238-242, 279, 297-313 and 443-445 above and paras. 460-465, 485-487, 498-504, 530, 542, 547, 569, 571 and 597-631 below).

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[145] Captain Saddam and his men left the wider area on 1 May in the course of the formation of the regiment.

461. The Group has determined that all the officers intervening on behalf of Krall are former members of CNDP. Considering their relatively junior ranks, they could not have acted without orders. Other, more senior ex-CNDP FARDC officers are known to have lobbied on behalf of Krall, in particular Colonel Wilson, second in command over the Rutshuru military zone. Moreover, according to FARDC sources, Lieutenant Colonel Muhire, whose unit is composed partly of former Ntaganda escorts, was deployed by Ntaganda.

462. The Group also found that several CNDP-affiliated individuals have a stake in Krall. Jean Damase Mugimba has used a Somikivu vehicle seized by Krall since the company took control of Lueshe in May. He participated in several meetings on behalf of Krall, as shown in video footage available to the Group. Mugimba, who calls himself a financial director of Krall, is the brother of Lieutenant Colonel Muhire and the brother-in-law of Colonel Sultani Makenga[146] (see paras. 318, 322 and 326 above and paras. 561, 571 and 591 below). Another supporter of Krall interests is Gaston Kangele, the former RCD envoy to Uganda, who currently holds the position of Administrative Director within Krall. Finally, another CNDP notable who features in video footage of Krall delegations is Damien Bivegete (see annex 103).

South Kivu

Nyabibwe/Kalimbi

463. The Group visited Nyabibwe, which is near a mine site called Kalimbi that is contested between two cooperatives: Comika and Combeecka. During the night of 29-30 July 2010, clashes broke out at Kalimbi between workers of the two rival cooperatives, claiming the life of 1 worker and wounding 17. In December, Tumaini Bagurinzira and three collaborators were arrested in connection with a murder during the July clashes and were detained at the Minova police station (see annex 104). Mineral diggers and traders told the Group that Bagurinzira was an ex-PARECO officer and owned the main Kalimbi pit, known as "La Maternité", as well as a truck that transported minerals to Goma for *négociants*. Bagurinzira was forcibly liberated from the Minova police station on Christmas Day 2010 by Major Adoni, an intelligence officer of the 24th sector, and 12 FARDC soldiers.

464. Combeecka members told the Group that Comika used ex-PARECO military officers such as Bagurinzira to enforce its position in Kalimbi. According to several traders, Placide Chirimwami of Combeecka had two meetings with Ntaganda in Goma in March 2011 to discuss a military intervention by Colonel Saddam Ringo (see para. 599 below) aimed at defending his interests in Kalimbi. During the suspension, Ringo had defended the interests of Chirimwami's rival, Bagurinzira of Comika (see annex 105). In June, according to Comika representatives, Chirimwami invited former 242nd brigade Commander Colonel Nsabimana Mwendangabo to Kalimbi to reinstall Combeecka by force. Local authorities confirmed this.

465. During the suspension, Bagurinzira sold his minerals to a trader by the name of Muzungu who works for the Hillside *comptoir*, according to traders and local authorities. An employee of Hillside acknowledged to the Group that the *comptoir* had continued to purchase from Comika members during the suspension. Ringo, an ally of General Ntaganda, protected these trading activities. According to traders,

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[146] S/2009/603, paras. 366, 184 and 190; and S/2010/596, paras. 43, 69, 70, 161, 163, 226 and 276 and box 4.

protection payments have been channelled to Ntaganda through Ringo. Traders attest that Combeecka also used Ringo's protection to evacuate minerals by night from an adjacent mine site called Chambeho to the port of Mukwija and on by boat across Lake Kivu to Rwanda.

Lulingu

466. The Group visited Lulingu in South Kivu, where it found evidence of taxation of the local population by a splinter group of FDLR under the command of Major Chimanuka.[147] According to businesspeople and local administrative personnel, Chimanuka arrived on 31 May with 24 combatants at Nyambembe, Lulingu's main mining site, and demanded tributes from the local population amounting to $19,000. Chimanuka threatened to attack if the money was not delivered within one week, but pledged that if it was paid, he would lay down his weapons and integrate into society. The population paid Chimanuka $13,000 and gave him some livestock, after which his combatants looted Nyambembe village on 13 July. The village was reportedly defended by the local militia Raia Mutomboki (see paras. 270 and 271 above). There was another clash between FDLR and Raia Mutomboki in August. Nyambembe had previously been occupied by FARDC, until it had left the area as part of a process of regional regimental reorganization.

467. According to official statistics, 45 tons of mineral ores from Lulingu arrived at Bukavu's Kavumu airport during July 2011. Panju Zulfikar, a *comptoir* owner in Bukavu, told the Group that he had resumed purchasing minerals from Lulingu during July and August 2011, but had subsequently stopped because he had not been able to find a buyer overseas. TTT Mining in Bukavu also informed the Group that it purchased minerals from Lulingu.

Maniema

468. The Group visited the mining regions of north-eastern Maniema, where it determined that, with the exception of the territory of Lubutu, the overall security situation is calm. Mineral smuggling and fraud are common in the province, but the Group has concluded that there is no direct involvement of armed groups in mining activities in the territories of Pinga, Kailo and Punia, which are Maniema's main areas for tin, tungsten and tantalum mining. In the border area between the territories of Punia (Maniema), Walikale (North Kivu) and Shabunda (South Kivu), FDLR raids at mining sites have occurred in the recent past and may continue to occur in the future. However, the Group does not believe that loot from these attacks enters Maniema mineral supply chains. These minerals are more likely to be evacuated through airstrips in Walikale and Shabunda.

469. However, the Group found evidence of illegal FARDC involvement in mining in Punia territory, specifically in the mines surrounding Kasese. An FARDC unit commanded by Captain Salung Christophe Nestor and responding directly to the regional command in Kindu, is deployed in the area to prevent FDLR incursions. According to several sources, including one within the governorate, the unit was deployed under the protection of General Amisi, Commander of FARDC land forces (see paras. 191, 205 and 454 above and paras. 471 and 514 below). Having been deployed in the area since 29 July 2008, they also periodically (up to twice per

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[147] Major Chimanuka is not part of the FDLR/FOCA command structure.

month) enter mining sites and extort 1 kg of tin ore from each miner, which is apparently sufficient to fill several planes each month. The Group is concerned that this practice could jeopardize Maniema's status as a source of "conflict-free" minerals, and calls upon the FARDC hierarchy in Kindu and Kinshasa to address the issue.

470. Widespread smuggling and fraud pose a significant challenge to due diligence in Maniema. A significant proportion of minerals from the province are evacuated to Goma and Bukavu from remote airstrips, where Government officials either are not present or are reportedly bribed to allow cargoes to depart unrecorded. Where the movement of minerals is recorded at the local level, this is not always reflected in the province's statistics. In addition, local officials at some mining sites complained to the Group about traders using provincial export authorizations as a licence to export quantities in excess of what has been registered in Kindu.

471. Additional unrecorded trade occurs by road. The Group received multiple reports that the *comptoir* Découverte, managed by Amisi Sadiki, his brother Nura Sadiki and Katenga Dahula, uses small trucks to take tin ore from mining sites in Kailo territory to a bridge over the Elila River, a short distance from Kindu. There, the ore is loaded onto boats operated by Maniema Union, which take it to Ubundu. From Ubundu, the ore is transported by road to Bunia, Beni and Goma. Multiple sources confirmed to the Group that there is a close business relationship between Découverte and Maniema Union, which is run by Romain Amisi, the brother of FARDC General Amisi (see paras. 191, 205, 454 and 469 above and para. 514 below). Documents from mining services show that Découverte also sources from the territory of Lubutu, where Mai Mai Simba controls the mines (see annex 106).

472. A good indication of the challenges to traceability is the apparent inaccuracy of some mineral paper trails. The Group gathered export documentation for several Maniema-based *comptoirs* showing the Belgian trader Trademet S.A. as the buyer of small shipments of minerals, dated after 1 April 2011 (see annex 107). However, Trademet has categorically denied to the Group any involvement with these shipments. The Group has determined that one of the *comptoirs* claiming to sell to Trademet, Etablissement Mutombo, has in fact never done business with Trademet. Metachem, another *comptoir* that the documentation showed as having sold material to Trademet after 1 April, denied to the Group that it had sold the material. Metachem subsequently complained to the Ministry of Mines of the Democratic Republic of the Congo about what it claimed had been the fraudulent use of its name on export documentation.

North Katanga

473. In the first half of 2011, both FDLR and Mai Mai Yakutumba held positions in the far north-eastern corner of the territory of Kalemie in North Katanga. A small FDLR unit controlled the strategic height of Kabobo, while Yakutumba forces occupied a number of lakeside villages between the South Kivu border and Wimbi port. Following [illegible]es of operations executed by the FARDC 61st brigade from June to August, both rebel groups were dislodged from their positions in Katanga and driven into South Kivu.

474. The most important mining sites in Tanganyika have not seen an armed group presence for several years. The region has been opened up for business, and the provincial government has taken a series of measures to wrench its trading chain

away from trade through the Kivus. The policy has made traceability less problematic than it is in Maniema, especially because one trader has the exclusive rights to buy tin, tantalum and tungsten from artisanal miners at the four major mining sites in the area. The contract signed in March 2010 between Mining Mineral Resources and the provincial minister of mines concerns the mine sites of Kisengo, Mayi Baridi, Lunga and Katonge. In exchange for its prerogative, Mining Mineral Resources pledged to train and equip artisanal miners and to finance a number of social and infrastructural projects

475. In line with the Group's due diligence guidelines, Mining Mineral Resources has established an effective system of control and transparency over the mineral supply chain. At the same time, the Group highlights the risk of the involvement of military forces in enforcing an agreement between the company and provincial authorities, as this would put them in a position to illegally tax or extort money or minerals.

476. MONUSCO brought to the attention of the Group the fact that Major Lemba dia Lemba, the military prosecutor in Kalemie, acts as the guardian of the exclusive buying rights of Mining Mineral Resources. Other sources confirmed that he actively tracks down any infringing traders, jails them — sometimes for several days — and delivers the seized minerals to Mining Mineral Resources. His elements regularly patrol the mining sites that were designated for Mining Mineral Resources and also monitor any disobedient miners and traders. The Group regrets that Katanga Province allows military authorities to monitor the implementation of the contract that it signed with Mining Mineral Resources. A recent incident at a mining site shows that deploying the army to enforce traceability is in itself contradictory.

477. When the Kahendwa mine became the hotbed of miner protest against the monopoly position of Mining Mineral Resources in September, a combined police and FARDC force was deployed to deal with the situation but the situation spun out of control; live rounds were fired, and two civilians were killed.

(ii) Cross-border flows of tin and tantalum ores

478. Border officials and mining authorities reported that mineral smuggling across the border to Rwanda had increased following the mining ban in September 2010. While the trading and export of minerals were forbidden, mining continued at numerous sites, many of which were under the control of FARDC criminal networks. Smuggling and fraud increased further after 1 April 2011, when smelters and refiners seeking Conflict-Free Smelter status (see paras. 339-342, 346-349, 368 and 371 above) ceased purchasing untagged material (see paras. 339, 347 and 400 above).

Unaccounted-for minerals

479. According to official statistics obtained by the Group, during the period from May to August 2011, 861 tons of tin ore arrived in Goma by air (see annex 108). This excluded potential tin ore declared and exported from Maniema in transit through Goma. Another 86 tons was shipped to Goma by road during the same period. However, official exports from Goma during the same period amounted to 361 tons, exported mostly to China, leaving 586 tons (58 per cent) of tin ore unaccounted for. Some of these minerals may be being held in *comptoir* depots in Goma, but Democratic Republic of the Congo mining authorities told the Group that they believed that most of the minerals had been smuggled into or through Rwanda.

480. In June 2011, and again in September, border police working at Goma airport ordered that the officials of the Ministry of Mines of the Democratic Republic of the Congo vacate the premises. The officials complained to the Group that local *comptoirs* had lobbied for their removal in order to facilitate fraud. However, the police have justified their move by citing a decree issued late in 2010 that limited the State authorities present at national borders to officials of the Direction générale des douanes et accises, Office congolaise de contrôle, the Direction générale des migrations and the hygiene service. A fifth service, the border police, was subsequently added (see annex 109).

481. On 30 May 2011, the provincial minister of mines tasked a commission composed of mining authorities and mine police authorities with investigating mineral fraud in Goma. By June, the commission had drawn up a list of all *négociants* operating in North Kivu, seeking to question those who, officials believed, could not justify the quantities of minerals in their possession. However, officials told the Group that many of the *négociants* either failed to appear for interviews or did not provide sufficient justification.

482. The Group has obtained a copy of a counterfeit Direction générale des douanes et accises export authorization issued to allow a *négociant* named Kasereka Fabien, identifying himself as the transport agency "GAT", to export 2.5 tons of tin ore from Kasese, Maniema, in May 2011 (see annex 110). According to statistics from North Kivu provincial mining authorities, between April and August, Kasereka brought 127 tons of tin ore from Maniema to Goma, apparently on behalf of the *comptoir* EBIR. EBIR has not officially exported any minerals in 2011 (see annex 111).

483. In Bukavu, it was only in July 2011 that the South Kivu mining authorities began to record mineral shipments arriving at Kavumu airport. However, in Shabunda territory, mining authorities have registered the volumes of minerals evacuated by air to Bukavu. Adding up statistics from Shabunda for May and June 2011 and those of mining authorities in Bukavu for July 2011, the Group calculates that, from May to July 2011, at least 198 tons of tin ore arrived in Bukavu by air. Meanwhile, official exports during the same period amounted to 120 tons, leaving 78 tons unaccounted for.

Illegal border crossings

North Kivu-Rwanda

484. North Kivu mining authorities and customs officials, as well as Rwandan officials, reported on the involvement of criminal networks within FARDC in the smuggling of minerals through illegal border crossings between the Democratic Republic of the Congo and Rwanda (see annex 112).

485. The Goma residence of General Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445 and 460-465 above and paras. 486, 487, 498-504, 530, 542, 547, 569, 571 and 597-631 below) is on one of the streets that cross the border into Gisenyi, Rwanda, with the two countries being separated by a 5-metre wide neutral zone. According to FARDC and CNDP sources, the entire area between the two official border crossings in Goma is controlled exclusively by soldiers loyal to Ntaganda. Two ex-CNDP FARDC officers and another FARDC officer reported that Lieutenant Colonel Masozera Bizimungu Alex[148] managed the smuggling

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[148] Lieutenant Colonel Masozera Bizimungu Alex is General Ntaganda's aide-de-camp.

operations on behalf of Ntaganda, with the assistance of Lieutenant Colonel Kabakuli Kabongo Kennedy and Lieutenant Colonel Asiki Mawa John (see annex 113). The minerals are usually brought in vehicles into the neutral zone, after which they are carried to the Rwandan side, where they are loaded onto another vehicle. During smuggling operations, Ntaganda's troops cut off all access to the area.

486. Border police officers in Goma complained to the Group that Ntaganda's soldiers denied access to the border between the two official crossings. The same sources informed the Group that in June 2011, the police had attempted to intercept an estimated 3 tons of material being smuggled through the illegal border crossing. Ntaganda's troops had arrested the police officer in charge and detained him for the duration of the operation (see annex 114). The Group visited the streets adjacent to both sides of the border and witnessed that Ntaganda's soldiers were positioned in a tent on the Congolese side, in full view of RDF soldiers deployed along the Rwandan side. Congolese frontier police and intelligence services, as well as Rwandan officials, confirmed that RDF soldiers had sentry posts all along the border and that nothing could cross without their knowledge (see annex 115).

487. Congolese customs officials and intelligence officers estimate that there are two or three smuggling operations per week, each of which involves about 2 to 5 tons of material. The Group estimates that Ntaganda makes about $15,000 per week by taxing at this crossing point.

South Kivu-Rwanda

488. There are several ways to smuggle minerals between South Kivu and Rwanda. During the mining ban, the defunct hydroelectric dam of Mumosho became an important passageway. Located south of the Ruzizi II border post, the Mumosho dam spans the Ruzizi River, which forms the boundary between the Democratic Republic of the Congo and Rwanda. On the Congolese side, access to the dam can be gained only by means of a private road, but it can be gained by means of a public road on the Rwandan side. Congolese police authorities blocked access to the dam in August 2011. According to Congolese intelligence sources, a shipment of minerals was smuggled through Mumosho on the night of 29 May 2011, when trucks arrived on both sides of the dam and bags of minerals were transferred from one side to the other. After a tip-off, unarmed anti-fraud agents went to inspect, but were fired upon by eight FARDC soldiers posted at the bridge.

489. The smuggling of minerals has also been taking place in Bukavu town itself, from the neighbourhood of Mumba. According to Congolese intelligence sources, on the night of 23 February 2011, 20 police officers were sent to the area for an inspection, only to find an empty truck. However, two weapons were left behind by armed men who had escorted the minerals and fled. The weapons were traced back to two naval officers who had deserted, a Corporal Buhendwa Masime and a Machali Junior. According to justice authorities in Bukavu, both men were arrested and have been sentenced.

490. Since the closure of the Mumosho dam, smuggling activities have intensified at Birava, a locality on Lake Kivu, 18 km north of Bukavu. Smugglers told the Group that naval forces under Major Mutombo had been allowing their goods to pass through after the payment of bribes. Minerals are moved with wooden dugout canoes from island to island before arriving in Rwanda.

491. A name cited by several sources in connection with all of the above-mentioned smuggling cases is that of "Sénégalais", whose identity was established in the 2009 final report of the Group of Experts as Frédéric Mastaki Lubamba.[149]

492. Further northward along the shores of Lake Kivu, there are several other places where minerals are loaded onto canoes and sent to Rwanda via the island of Idjwi. According to diggers and traders interviewed by the Group, much of the material comes from the mine of Kalimbi, near the town of Nyabibwe in South Kivu (see paras. 463-465 above). Minerals also leave Nyabibwe by road to embark at Makelele on the border between North and South Kivu. From a depot in Makelele, minerals are transported by or with the complicity of naval officers. In August 2011, the military prosecutor's office in Goma arrested Lieutenant Kandolo on suspicion of having allowed mineral smugglers to cross the lake, and a Sergeant Mushagalusa was arrested at a checkpoint in Minova for transporting minerals in his car.

Laundering of minerals

493. Traders have attempted to launder untagged material into the International Tin Research Institute Tin Supply Chain Initiative supply chain in Rwanda, through the use of Initiative tags originally meant for use in Nyabibwe in South Kivu. These tags had been left unused because of the mining ban in the Democratic Republic of the Congo. On 27 June 2011, a consignment of 25 tons of tin ore exported by the *comptoir* TTT Mining was held up at the Ruzizi II border post in Bukavu because Rwandan customs officials had insisted on Initiative tags to allow minerals to enter the country. A company representative acknowledged to the Group that the transporters had gone to Bukavu and returned with Initiative mineral tags. Consequently, the minerals had been allowed to pass through. The head of the company's Division of Mines in South Kivu told the Group that one of its agents had been selling Initiative tags in his possession for 3,000 Congolese francs each and that he had been suspended for that reason. Neither the Rwandan mining authorities nor Initiative staff have reported that any Nyabibwe Congolese tags have entered Rwanda's traceability system.

494. On 14 July 2011, at the Ruzizi II border post, a 24-ton consignment of tin ore exported by Huaying Trading Company was refused entry into Rwanda and sent back to Bukavu. Rwandan customs officials confiscated 32 Tin Supply Chain Initiative tags (one for each drum), which, according to the Rwanda Geology and Mines Authority, were from Nyabibwe (see annex 116). Following the confiscation of the tags, International Tin Research Institute staff visited South Kivu to check on the status of other tags that should have been in the possession of the Congolese mining authorities. Most of the tags were recovered by the International Tin Research Institute, but 30 tags could not be located. The Group considers it likely that these tags were used to allow the TTT Mining consignment to pass through on 27 June 2011.

495. Fraudulent tagging and the transit of untagged minerals through the country are threatening the credibility of Rwanda's certification system. The Group has researched one case in which there appears to be a high probability that this has occurred. Intelligence officers of the Democratic Republic of the Congo informed the Group that the minerals that had been smuggled across Mumosho dam on

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[149] S/2009/603, para. 212.

27 May 2011 had been destined for a mining concession in Rwanda's Nyabihu district, owned by Etablissement Mbanzabugabo. The Rwanda Geology and Mines Authority closed the concession after a mines inspection mission in August 2011, because of damage to the environment and mismanagement by an individual named Gakurama Prince, who appeared to be operating in the concession without the authorization of Etablissement Mbanzabugabo (see annex 117). Mining and environmental officers told the Group that minerals could have been brought into the concession from outside. According to Tin Supply Chain Initiative staff, 50 tags were issued for this concession on 27 July 2011. Authority staff told the Group that some of the tags had since been used.

Seizures and prosecutions

496. Congolese authorities in the Kivus seized a small volume of smuggled minerals during the six-month mining ban. In July 2011, after the ban had been lifted, the authorities in North Kivu started to seize minerals at Goma's official border crossings (see annex 118). In South Kivu, one shipment has been seized since the lifting of the suspension, but this occurred in the interior of the province, not at the border. The mineral seizures carried out by Rwandan customs officials along the border are considerably larger in volume and more frequent than those carried out by the Congolese authorities in the Kivus.

North Kivu

497. According to provincial mining authorities in North Kivu, 1.8 tons of tin and tantalum ore were seized in Goma and Beni during the mining ban. On 22 August 2011, 1.2 tons of tin ore were seized by the customs authorities of the Democratic Republic of the Congo from a MONUSCO vehicle attempting to cross at the Grande Barrière on Lake Kivu (one of the two official border posts). The driver was fined $25,000 and was sentenced to three years in prison. The bags of tin ore were marked "India One", which is a call sign used by Innocent Wimana, who once worked for the *comptoir* EBIR in Goma with Robert Bitega. During his trial, the driver acknowledged that he had transported the minerals on behalf of both men. Judicial authorities informed the Group that arrest warrants had been issued against Wimana and Bitega, but that no arrest had been made to date (see annex 119).

498. Rwandan and Congolese officials informed the Group that Bitega was a known smuggler of tin ore into Rwanda, using either the official border crossings or unofficial ones controlled by Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465 and 485-487 above and paras. 499-504, 530, 542, 547, 569, 571 and 597-631 below). In addition, officials of the Congolese mining authority informed the Group that the *négociants* Kasereka Fabien, Rajabu Katentule and Songa Pascal supplied Bitega with minerals from Maniema. The Group was informed that during September 2011, Congolese Government officials had observed Kasereka Fabien transporting an alleged total of 49 mineral bags to Ntaganda's street, in a vehicle bearing the licence plate NK9070BB.

499. Mining authorities have identified a trader named "Mitterrand" as the owner of another 500 kg illegal shipment seized in Goma. According to judicial authorities and intelligence services, "Mitterrand" resides in Gisenyi and is known to smuggle tin ore from the Democratic Republic of the Congo to Rwanda with his older brother, Christophe Rutumbo (see annex 120).

500. On 5 September 2011, four armed men attacked the residence of the provincial minister of mines of North Kivu, Nasson Kubuya Ndoole, and exchanged fire with police officers there before fleeing. Earlier that day, the minister had told the press that law enforcement officers had erected various checkpoints along North Kivu's borders with Rwanda and Uganda. Prior to the attack, according to sources within the Ministry of Mines, the minister had received death threats by mobile-telephone text message, apparently intended to pressure him to loosen border controls.

South Kivu

501. The South Kivu mining authorities informed the Group that they had seized 1.3 tons of tin and tantalum during the mining ban (see annex 121). After the lifting of the ban, on the night of 2-3 July 2011, military authorities seized 1.4 tons of tin ore near Nyabibwe. According to multiple sources, some of the minerals were in a jeep driven by former 24th sector Commander Colonel Gwigwi, who later confirmed his involvement to the Group. The minerals were intercepted by Major Isaac Mutumbira, interim Commander of the 1032nd battalion, supposedly after an exchange of fire that lasted for two hours (see annex 122), and Gwigwi was arrested and detained.

502. MONUSCO informed the Group that on the night of 27-28 July 2011, Major Isaac had allowed another truck loaded with minerals from Nyabibwe to pass through a roadblock, after holding it for inspection by his troops. According to the same sources, the truck was being escorted by soldiers. The Group has concluded that Gwigwi's arrest was intended not to halt the military's involvement in mineral trafficking, but rather to replace one FARDC criminal network with another. An eyewitness to the incident that occurred on the night of 2-3 July 2011 told the Group that Gwigwi had previously taken control over merchandise that Isaac had wanted to escort. According to the eyewitness, Isaac then called Colonel Josué Biyoyo,[150] 103rd regiment Commander, for permission to block Gwigwi's passage.

Rwanda

503. The Government of Rwanda has provided the Group with figures showing that between March and July 2011, the Rwanda Revenue Authority seized 67.5 tons of untagged minerals at or near the Congolese border in both South and North Kivu, with an additional 9 tons seized in Kigali during August. The Revenue Authority subsequently handed the minerals over to the Rwanda Geology and Mines Authority (see annex 123).

504. On 28 June 2011, in Gisenyi, the Rwanda Revenue Authority seized 11.5 tons of tin ore belonging to retired General Kamwanya Bora (see annex 124). The minerals had been transported by truck through one of the illegal border crossings controlled by Ntaganda's troops. Bora owns a petrol station in Goma called FACAM, whose depot, according to several sources, was used during the mining ban to store tin ore arriving from Walikale via Beni and Butembo. Simon Manzi, the manager of Bora's *comptoir*, told investigating authorities that, earlier in 2011, Bora had smuggled 2 tons of tin ore across the border into Rwanda in a vehicle escorted by Ntaganda's troops.

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[150] S/2010/596, paras. 123, 211, 229 and 230.

505. Sources within the Rwanda Revenue Authority informed the Group that Déogratias Bugera had come to their office in Kigali in July 2011 to claim 3.5 tons of untagged Congolese minerals seized in Gisenyi in May 2011, arguing that his export documentation had been in order and that the minerals should have passed through freely. Bugera was once the secretary-general of Laurent Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire.

(b) Gold

506. Gold is among the sources of financing most readily available to armed groups. The Group's investigations have demonstrated that the causes for this lie on both the supply and the demand sides of the trading chain. The problem on the supply side is twofold. On the one hand, the Group has determined that a significant amount of gold is produced in areas that are under armed group control or where criminal networks within FARDC operate. On the other hand, almost all trading in gold goes unrecorded (see box 4), and little or no due diligence is exercised.

507. On the demand side, the Group has determined, there are many eager international customers for Congolese gold who ask few questions and sometimes buy knowingly from Congolese armed groups and FARDC forces or the areas controlled by them. The Group investigated several deals concluded in the Democratic Republic of the Congo, Uganda, Kenya and the United Republic of Tanzania. Some of those deals turned out to be fraudulent, sometimes involving counterfeit gold. However, whether or not the gold is real in such cases or whether or not the sellers are genuine members of Congolese armed groups is of little relevance; what is important is that some people are attracted by the idea that they can buy cheap gold from a conflict region.

(i) Production and trade in the Democratic Republic of the Congo

Misisi

508. In July 2011, the Group visited the mining town of Misisi, in Fizi territory (South Kivu), and found extensive involvement by criminal networks of FARDC. According to mining authorities, there are around 5,000 artisanal miners in the mines in Kachanga and Kampala, 4 to 5 km from Misisi. Military involvement has never been more blatant than it was during the presidential mining suspension declared in September 2010.

509. This takeover of all mining activities during the presidential suspension was referred to locally as "*Operation C'est le moment*" according to multiple FARDC officers throughout Fizi territory. According to FARDC officers, Colonel Opia was replaced by Colonel Shiko early in October 2010, just after mining authorities had issued instructions regarding the mining suspension in Misisi. While many diggers proceeded to return to their homes, Shiko orchestrated a complete takeover of all mining activities, eventually driving mining authorities away. During the period from October 2010 to March 2011, Shiko and other senior FARDC officers imposed their control over the right to contravene the suspension, forcing pit owners to relinquish up to 80 per cent of the production in their pits in exchange for access. Owners of mining pits that were exploited during the suspension claimed that the basic infrastructure had been ruined as a result. The same sources, alongside other mineral traders, repeatedly denounced the abusive practices of Josué, who was one

of those who profited most on behalf of his older brother, South Kivu Amani Leo Commander Colonel Delphin Kahimbi.

510. Since the suspension, the current FARDC commander of the Lulimba regiment, Colonel Kalume, together with a long list of other officers based throughout South Kivu, have continued to be deeply involved in mining in Misisi, most often through ownership and/or control over mineral-crushing machines used to separate sand from ore. As mineral-crushing machines can yield a profit of up to $200 per day, the FARDC officers, in providing their services to artisanal miners, dedicate themselves almost exclusively to this business. According to mining authorities, the machines are imported from the United Republic of Tanzania at a total cost of more than $6,000, making it possible for an owner to recover his investment in one month's time.

511. Locality chief Katambo imported the first crushing machine in May 2010; he now owns several others. According to representatives of the crushing-machine association, more than 200 of these machines have been imported from the United Republic of Tanzania in 2011 alone. The same sources indicate that 12 machines officially belong to FARDC officers, but that many others are "protected" by FARDC officers in exchange for evasion of local taxes. In addition, FARDC is suspected of having hidden investments and unwritten partnerships with mineral traders and diggers throughout Misisi. The Group obtained a list of 18 officers owning crushing machines, although many sources estimate that at least half of the crushers in Misisi are controlled by FARDC. During the Group's visit to Miba, it observed extensive environmental impact as a result of the machines, which, over the course of one year, had spoiled the soil water source in the locality.

512. As a result of the introduction of crushing machines, gold production in Misisi is higher than that in any other artisanal mine in all of eastern Democratic Republic of the Congo. According to mining authorities, only 4 kg of gold is legally recorded each month, but estimates of total production average around 500 kg per month. Gold traders informed the Group that they resold more than 50 per cent of the gold that they produced in Misisi to Etablissement Namukaya (see paras. 179, 201 and 357 above, paras. 521, 531, 536 and 545 below and box 4) in Bukavu. The Group has confirmed, over the course of repeated mandates, that Namukaya resells its gold to Rajendra Kumar of the sanctioned entity Machanga Limited in Kampala. The remainder is purchased by Honoré and Mwite in Uvira, whose principal partner is Bujumbura-based Mutoka Ruganyira (see para. 183 above and paras. 531 and 537 below).

Omate

513. Since its work during its 2010 mandate, the Group has continued to monitor the involvement of criminal networks within FARDC in the concession dispute between the mining companies Geminaco (see paras. 204 and 211 above) and Socagrimines over the Omate mine in Walikale. Throughout the first months of the mining suspension, soldiers still, under the command of Major Safari, closely following the order of ex-CNDP Colonel Innocent Kaina, supported Geminaco's continued presence in the mines, despite a September 2010 judicial decision stipulating that Socagrimines should remain in Omate pending a definitive decision.

514. The Group learned from FARDC sources that General Amisi (see paras. 191, 205, 454, 469 and 471 above) had backed away from his previous support for

Geminaco owing to widespread criticism of his overt involvement. However, FARDC soldiers under Major Safari continued to protect the presence of Geminaco in Omate during the mining suspension, despite the September 2010 judicial order. On 11 October 2010, representatives of Geminaco, FARDC and the mine police signed a document reflecting agreement to suspend all activities, but allowing Geminaco to keep 25 agents at the site to protect assets (see annex 125).

515. In the beginning of December 2010, personnel of Socagrimines, accompanied by escorts from the military prosecutor's office, were repulsed on three occasions by Safari upon their arrival at Omate. Nevertheless, a letter dated 9 December 2010 from the Walikale territorial administrator requested all FARDC units in the area to accept the installation of Socagrimines at Omate and the departure of Geminaco (see annex 126). Major Safari accepted this decision and, early in January 2011, effectively halted an attempt by mine police Commander Bihango Dunia and Geminaco staff to obstruct a mission of mining authorities to Omate (see annex 127). With Major Safari and the territorial administrator now on its side, Socagrimines returned to Omate at the end of December 2010 to engage in agricultural activities. A communication sent on 21 February 2011 by the superior military prosecutor of North Kivu to all military authorities, instructing Socagrimines to leave Omate, was not observed by local FARDC members (see annex 128). On 2 March 2011, Safari and his soldiers were finally redeployed from Omate, demilitarizing the mine for the first time in more than two years.

516. In March 2011, Geminaco representative René Mwinyi renewed his attempts to take over Omate by seeking to contact the NDC rebels and their collaborator Colonel Bindu. The latter's brother, Major Morgan, organized a mission, led by Lieutenant Libaku, to accompany Geminaco staff to Omate (see annex 129). Their arrival led to skirmishes in Omate on 11 March, during which 20 civilians were severely injured. Several of Libaku's armed men, in civilian dress, were detained by the local population on 11 March (see para. 204 above). As a consequence, Major Morgan also tried to arrest Tambwe Katengura, Socagrimines' representative in Mubi. In the weeks that followed the events on 11 March, Tambwe was forced to hide in the Mubi residence of other FARDC officers loyal to Socagrimines.

517. On 15 March 2011, representatives of Socagrimines and Geminaco appeared to have resolved their dispute over Omate through an agreement to work together there until mining authorities delimitated the respective properties (see annex 130). However, on 6 April the representative of Geminaco, Bujiriri Kabaka Claude, resigned on personal grounds, rendering the agreement invalid.

518. On 26 April 2011, the Group visited Omate and verified that the two positions commanded by Major Safari had been abandoned. Five mine police officers were present to provide security. On 25 April, according to several local authorities, Mai Mai Sheka-NDC took advantage of the security void in Omate to make a temporary incursion and demand contributions from the local population and Socagrimines staff (see para. 197 above). According to MONUSCO sources, this occurred again on 24 May and 19 August 2011.

519. Following months of calm, according to mining authorities, the provincial minister of mines, Nasson Kubuya Ndoole, was also approached by Geminaco about its claims to Omate. Ndoole travelled to Walikale early in August 2011 in order to propose that Geminaco representatives be granted access to the mine. Upon encountering widespread resistance, Ndoole returned to Goma on 7 August.

520. Following Safari's departure, while no overt FARDC presence has been recorded in 2011, FARDC intelligence officers have been sent to Omate from the Walikale territory sector command and the 8th Military Region in order to monitor criminal network investments in gold. The Group obtained travel documents for the deployment of these officers to Omate. Furthermore, according to civilian intelligence officers and Socagrimines representatives, the latter have been approached by numerous high-ranking FARDC officers, including ex-CNDP Colonel Innocent Kaina, the 805th regiment Commander, regarding large investments that they would like to make in the purchase of gold at Omate.

521. Finally, in accordance with Government requirements that minerals be exported from the same province from which the minerals have been extracted, Socagrimines has exported twice in 2011 through the recently established buying house Air Gold, based in Goma. However, mineral traders in Mubi told the Group that the bulk of Socagrimines' production was still being sent to Etablissement Namukaya in Bukavu (see paras. 179, 200, 357 and 512 above, paras. 531, 536 and 545 below and box 4).

Kamituga

522. The Group's 2010 report cited evidence of extensive involvement by the 321st brigade of FARDC and its Commander, Colonel Rugo Heshima, in the mineral trade in Mwenga territory.[151] During its current mandate, the Group visited Kamituga and collected several testimonies confirming Heshima's continued involvement in mining, but witnessed no military presence in mines around Kamituga town. At the time of the Group's visit, the 321st brigade had just left Kamituga to proceed to the regiment training camp in Burhale and be replaced by the 102nd regiment. Mining officials expressed their concern to the Group that the freshly deployed regiment would soon take over positions at mine sites. According to mineral traders, regiment Commander Nwagasuma had already ordered pit managers to help to maintain his soldiers.

523. Four of Heshima's estimated 35 dealers told the Group that they were being given up to $10,000 per month each to purchase gold in Kamituga and Lugushwa. The dealers said Heshima protected them in several ways. Heshima's soldiers reportedly gave them priority in gaining access to transport and forced local dealers to sell gold to them at low prices. Furthermore, after incidents of pillaging from vehicles, the dealers informed the Group either that they had been spared or that the stolen gold had been returned to them, suggesting collaboration between the assailants and Heshima. The Group also received several testimonies from passengers of pillaged vehicles confirming these practices.

524. According to Heshima's dealers and other traders, Bukavu-based businessmen fund his operations and purchase the gold. Heshima is closely associated with Mange Namuhanda, whose official business is the import and maintenance of vehicles. On 25 May 2011, the Group witnessed the passage of both men's vehicles on the road between Kamituga and Bukavu. After passing together, the two vehicles left a space between them, so as not to appear to be driving in convoy. On 10 July, according to multiple sources, the two men were together in Tubimbi, a centre close to gold-mine sites in Walungu territory.

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[151] S/2010/596, paras. 210, 211 and 230.

525. In Tubimbi, Mange collaborates with Mwati Masura, who manages one of the mine sites in the area. The mines near Tubimbi suffer from pillage attacks; local FARDC officers claimed that such attacks had been were committed by FDLR elements in FARDC uniform.

526. During the first half of 2011, Heshima also became involved in tin mines in Mwenga territory. A report by the military justice and mining authorities on a mission carried out to Basimbi *groupement* in Mwenga, on the border with Shabunda territory, in May 2011 stated that the Bugumbu tin mine was controlled by the 321st brigade, based in Kamituga. According to a report by military prosecutors dated 19 May 2011, mining activities are overseen by a Captain Nono, who twice a week claims a portion of the minerals in the name of Heshima (see annex 131).

527. During its Kamituga visit, the Group received several testimonies from numerous internally displaced persons concerning a business partnership between FARDC and FDLR in surrounding mining villages. For example, Lusungu is controlled by FDLR, but access for business purposes can be obtained with an FARDC-issued travel document called a *kiliba*. Similarly, in the FDLR-controlled gold-mine site of Kabareke, Heshima provides travel documents to soldiers going there on business.

Mukungwe

528. In August 2011, the Group visited the village of Mukungwe and the adjacent mining site of Maroc, one month after a violent transfer of control, on 2 and 3 July, from one customary title holder, Chunu Ntabala, to another, Alexis Rubango. Rubango had been issued a title for agropastoral use and mine exploitation by the territorial administration of Walungu on 1 November 2008. Chunu had been issued a similar title by the same authority on 1 July 2009, but for a larger concession, including the concession given to Rubango. Until July 2011, both men had collaborated in the exploitation of gold in Maroc.

529. Rubango claimed to the Group to have been authorized by the provincial minister of mines and the territorial administrator of Walungu to restore order in Mukungwe, although he had no documentation to confirm this. Rubango alleged that Chunu's supporters had pillaged and set fire to houses when they were forced to leave the site. The provincial minister of mines subsequently denied having given any such mandate. Chunu, meanwhile, told the Group that his manager and associated diggers had been harassed and chased away by Rubango, accompanied by militia forces and FARDC soldiers from the 3rd operational zone in Mugogo and the 102nd regiment in Burhale (see annex 132). On 1 July, the military justice authorities in Bukavu summoned Rubango and two associates for questioning in relation to alleged acts of aggression, to which they failed to respond. On 23 July, military justice authorities again summoned Rubango, together with three civilians, in relation to incitement to violence, and five FARDC officers, with respect to disobeying orders (see annex 133). Again, none of them presented themselves.

530. In July 2011, Chunu travelled to Kinshasa to plead his case before the national Minister of Mines, and to Goma for consultations with Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465, 485-487 and 498-504 above and paras. 542, 547, 569, 571 and 597-631 below). FARDC officers told the Group that Ntaganda had subsequently ordered close associates in South Kivu to reinstall Chunu. Chunu told the Group that he would have to pay Ntaganda in gold for this. Responding to

Ntaganda's instructions, Lieutenant Colonel Kazarama Vianney, spokesperson for Operation Amani Leo in South Kivu, authorized a mission to Mukungwe on 22 August, taking along with him 10 FARDC soldiers and a number of journalists, supposedly to investigate a FARDC presence in the mine (see annex 134). The mission had not been mandated by Kazarama's superior officer, General Delphin Kahimbi. Upon their arrival at Mukungwe, Kazarama's team encountered a number of FARDC officers who blocked their access to the mine, arguing that they lacked permission. These included military intelligence officers of Operation Amani Leo operating under Lieutenant Captain John Cinyabuguma; intelligence officers of the 10th Military Region operating under Major Kitenge; and officers of the former Amani Leo 3rd operational zone operating under Major Bahati.

531. Gold from Mukungwe and other mines in the vicinity, such as Chondo and Kadubo, is traded in Ruvingi by dealers who sell their gold to *négociants*, who in turn sell to the *comptoir* Namukaya (see paras. 179, 200, 357, 512 and 521 above, paras. 536 and 545 below and box 4) and non-licensed buyers such as Mange Namuhanda and Mutoka Ruganyira in Bujumbura (see paras. 183 and 512 above and para. 537 below). In September, the Group was told by sources in the Congolese intelligence services, as well as gold traders, that a Burundian trader named Eugénie Umukunzi had held a meeting with Chunu and consorts in Bukavu to see how to gain access to gold from Mukungwe.

532. The Group obtained an undated letter from the chief of the provincial division of mines addressed to the Governor of South Kivu advising him to ban artisanal mining in Mukungwe owing to insecurity and landslides (see annex 135). The letter followed a visit by the mining authorities and security services on 9 April 2011. The mission report found that both Chunu and Rubango had used "uncontrolled" soldiers and militia combatants to undermine State authority. Both documents confirmed that Mukungwe was located in the concession of Twangiza Mining, a project of Toronto-listed Banro Corporation (see annex 136).

Lugushwa

533. In its 2010 report, the Group reported on the military influence in mine sites around Lugushwa, particularly the site "D18", which is operated by Jerome Catche.[152] Traders from Lugushwa told the Group during its current mandate that Catche still operated in Lugushwa, but that he was now being protected by FARDC elements loyal to 10th Military Region Commander General Masunzu, rather than by elements loyal to Colonel Heshima in Kamituga.

534. The Group received oral testimonies and written accounts from local miners, administrators and military justice personnel concerning abuses of power by FARDC and PNC elements in Lugushwa. On 1 November 2010, a locally stationed intelligence officer named Wabulasa shot and fatally wounded a digger, Miso Wakenda, after a skirmish at the mine site of Maboko Pemba Pwembwe (see annex 137). Diggers at the site rioted, chanting songs blaming security services for the mining ban. The police subsequently killed two protesters, wounded three others.

535. In a letter dated 13 May 2011, diggers from all main sites in Lugushwa, including "D18", called upon the provincial police inspector in Bukavu to remove police Commander Tangibima Agiti, nicknamed "Aigle Fort", because of his alleged

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[152] Ibid., para. 219.

violent appropriation of pits, intimidation of civilians and refusal to provide for security and justice (see annex 138). The Group subsequently spoke with gold diggers, who said that they had received death threats from Tangibima at the beginning of May, following a conflict over the use of a motor pump that he rented out to diggers. This was confirmed by an inquiry conducted by the military justice authorities into Tangibima's conduct (see annex 139). As a result of the inquiry, Tangibima was summoned to Bukavu by the military prosecutor, but to date he has refused to leave Lugushwa.

536. According to gold traders interviewed by the Group, there are between 8,000 and 9,000 diggers working at Lugushwa's mine sites. Gold buyers in Lugushwa include individual *négociants* who have established *comptoirs*, including India, Delta Force, Zalia, Rziki and Kangofar. In addition, agents of the *comptoir* Namukaya are present in Lugushwa to purchase gold (see paras. 179, 200, 357, 512, 521 and 531 above, para. 545 below and box 4). A representative of Namukaya informed the Group that Lugushwa was among its favourite places from which to purchase, alongside Misisi, Namoya and Kama. Namukaya has a sister company that conducts road transport to Kitutu near Lugushwa.

Box 4
Gold and traceability in South Kivu

Only a very small part of the gold-trading chain is recorded. Mining authorities at some mine sites, markets and airstrips deliver transport authorizations for small quantities, which *négociants* present when selling to *comptoirs* in Bukavu, Butembo and Goma. The Group obtained statistics from mining authorities in remote locations in South Kivu and Maniema for gold legally transported to Bukavu from the lifting of the mining suspension in March to July: 12,403 g from Misisi, 6,282 g from Kamituga, 1,849 g from Lugushwa, 2,439 g from Mwenga centre, 8,152 g from Shabunda, 250 g from Numbi and 119 g from Kampene[a] (in Maniema). These figures grossly underrepresent actual production. For example, in Kampene the Group obtained production statistics kept by local stakeholders showing that just one of the 24 mining pits produced 200 g per month. Of the 19 kg officially transported to Bukavu in the March-July period, the *comptoir* Namukaya officially exported 15 kg. Although the official chain represents less than a percentage point of the hundreds of kg in gold trading conducted in the province every month, it provides opportunities for operators to conduct due diligence once a demilitarized gold production zone has been identified, such as that in Kampene. However, operators would have to take additional measures at the production level to establish effective systems for control over their supply chain — for example, by packaging and sealing batches of gold at the mine site.

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[a] Mining authorities in Kampene communicated this figure to its hierarchy in the provincial capital, Kindu. In reality, mining authorities recorded more gold at the airstrip: 228 g in August alone.

(ii) Regional hubs

Bujumbura

537. The Group received gold export statistics from Burundi for 2011. Compared with 2010, exports increased, from 200 kg to more than 517 kg, in the first eight months of 2011. According to statistics, the main exporter in previous years, Mutoka Ruganyira (see paras. 183, 512 and 531 above), did not officially export any gold in 2011. The Group obtained several testimonies from traders confirming that Mutoka continued to buy gold from the Democratic Republic of the Congo. The largest exporter, with 490 kg in 2011, is Ntahangwa. Mining authorities in Burundi told the Group that this was a new company with no links to Mutoka. The Group believes that Congolese gold from South Kivu purchased in Bujumbura is not exported as Burundian gold, but rather transits to third countries before its official export to gold markets in Dubai. Official statistics of the United Arab Emirates for Burundian gold imports in 2010 did not exceed 1 kg (see annex 151), while official gold export statistics for 2010 obtained in Bujumbura totalled 249 kg.

Kampala

538. The Group engaged in exchanges with mining officials in Entebbe concerning gold exports and imports. In 2010, Uganda exported 520 kg of gold, which represents only 15 per cent of the amount of gold declared as Ugandan in the United Arab Emirates (see para. 553 below). Most Ugandan exports in 2010 originated from Southern Sudan and the Democratic Republic of the Congo. For 2011, the Ugandan authorities have no record of official imports from the Democratic Republic of the Congo. All gold imports, amounting to 190 kg between January and August 2011, are recorded as coming from Southern Sudan (see annex 140) and were exported to Dubai along with a small quantity of gold produced in Uganda. Import authorizations for gold are issued on the basis of sales invoices only; no certificate of origin is required, on the grounds that South Sudan is a new country and mining authorities are not yet fully established there. An import authorization is required when companies wish to re-export gold. Re-exports are taxed 0.5 per cent of the value of gold by revenue authorities. The royalties paid by producers on Ugandan gold upon export are 1.5 per cent of the value of gold. According to Ugandan mining officials, this creates an incentive to forge invoices in order to declare Ugandan gold as non-Ugandan.

539. At the same time, Ugandan mining officials accepted the fact that Congolese gold could be mixed with gold declared as coming from South Sudan. Currently, Ugandan mining authorities make no further inquiries with regard to the actual existence of Sudanese exporters and the authenticity of invoices. The majority of exporters declare their gold as having a foreign origin, but without obtaining any import authorization. The Ugandan mining authorities told the Group that they were currently allowing this to keep these gold traders within the legal framework, but claimed that "in the future" they would insist that the traders provide sales invoices.

540. The only official import of minerals from the Democratic Republic of the Congo in 2011 involved 700 kg of tourmaline imported in January by Kosa Import and Export, with a sales invoice from a company in Bukavu, Etablissement Jamal et Fils. No such export is registered in Bukavu, however, and the Group was unable to find contact information for the company. The Group has repeatedly requested

information from Ugandan customs authorities about seizures of fraudulently imported or exported gold, but has received no information in this regard.

541. Although official gold exports from the Democratic Republic of the Congo through Uganda have ceased, the Group received information regarding fraudulent imports of Congolese gold into Uganda. Fraudulent imports are problematic because of the control that armed groups and criminal networks within FARDC exercise over production areas and trading chains. For example, FDLR combatants control a gold-trafficking network that runs from mines in Walikale through Rutshuru into Uganda. FDLR combatants told the Group that their patrols transported batches of gold weighing up to 50 kg. An important crossroads for these movements is the Kibirizi area in Rutshuru, from which gold is dispatched to Goma, Rutshuru or Beni and then exported to Uganda. Three former FDLR combatants reported that FDLR "Captain" Aziz played an instrumental role in bringing gold brought by FDLR through Kibirizi into Goma. One of the buyers in Goma is Didi Bashir,[153] who buys gold at the Mubi market or in Goma to sell in Kampala. Gold shipped by FDLR to Rutshuru is also exported through FDLR-controlled border crossings into Uganda (see paras. 107-108 above). A local trader named Kambere Kachuva admitted to the Group that he bought gold from FDLR in Rutshuru to sell in Uganda. According to gold traders and local authorities, Donat Kananura purchases gold arriving in Kampala through this chain.

542. The Group mapped out a network of Congolese gold traders who operate from Kampala and are conducting business deals involving some genuine gold from eastern Democratic Republic of the Congo, but often also a larger quantity of counterfeit gold. The real gold is used to lure foreign buyers into transferring a proportion of the total payment. According to several Congolese gold traders, one of the key individuals in this network is Jean-Luc Musesambili, who runs a bar called "Café Vision Congo" in Kampala and plays an instrumental role in various gold deals throughout the Democratic Republic of the Congo, Kampala, Bujumbura and Dar es Salaam. Congolese intelligence officers, as well as gold traders in Kampala, reported that Musesambili cooperated with Ntaganda and engaged in business with him on a regular basis (see paras. 606-622 below). According to Kenyan authorities, another regional smuggler of gold from the Democratic Republic of the Congo, based in Kampala, is Benoit Katumbi (see annex 141).

543. Gold smugglers in Kampala have also established two unregistered front companies, Kivu Trading and Tanganyika Gold. The Group obtained documentation regarding a proposed deal by Kivu Trading that appeared to be a scam.

544. The Group also obtained false customs documents supposedly issued in Beni, North Kivu, concerning 100 kg of gold exported from Teturi and Elota through Kampala to Sweden (see annex 142). The exporting company, JSR Mining, is not registered in North Kivu. The consignee is Guld and Juvel Invest of Stockholm. A telephone number advertised on a website appeared to belong to another company.

Nairobi

545. The Group discussed mineral imports and exports, and the companies involved, with mining and customs officials in Nairobi. Kenya did not officially

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[153] Several gold traders reported that over the past 10 years, Didi Bashir had been holding an illegal *comptoir* in Goma named Congocom, distinct from the *comptoir* Congocom in Bukavu.

import any gold from the Democratic Republic of the Congo during 2010/11. Meanwhile, Namukaya (see paras. 179, 200, 357, 512, 521, 531 and 536 above and box 4) has declared that it exported gold to Pinnacle, in the Export Processing Zone in Nairobi, with the most recent shipment consisting of 8.6 kg, in April 2011 (see annex 143). According to Zone officials, however, Pinnacle is not registered there. Kenyan customs statistics include only one transit shipment of gold jewellery in 2010.

546. As does Kampala, Nairobi hosts a network of traders that set up both real and counterfeit gold transactions, often in association with counterparts in Kampala. After the CAMAC case in Goma (see paras. 606-622 below), information surfaced about other large operations involving gold from the Democratic Republic of the Congo. Congolese authorities have been informed of a deal involving 2.5 tons of gold from the Democratic Republic of the Congo that was conducted in Nairobi. President Kabila carried out an official visit to Kenya and shared with the Kenyan authorities a list of 15 suspected dealers of gold from the Democratic Republic of the Congo (see annex 144).

547. According to Kenyan authorities, all the main gold smugglers in Nairobi use the gold refinery run by Joe Karimi and Paul Kobia (see paras. 621 and 622 below). Kobia, a prominent gold dealer in Nairobi, is a Kenyan national but carries a false Congolese passport under the name Ilunga Ngoy (see annex 145). Kenyan authorities and gold dealers informed the Group that a Cameroonian national, known as Yusuf Omar (see paras. 618-623 below), ran a fake company in Nairobi called Butembo Mining. Omar cooperates with Eddy Michel Malonga (see paras. 609 and 618 below), also from Cameroon, and "Robert", also known as "Dr. Roba", a Kenyan national. Omar is included on the list of 15 suspected dealers and uses a false Congolese passport when he travels to the Democratic Republic of the Congo. Several gold smugglers interviewed by the Group reported that Omar cooperated with General Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465, 485-487, 498-504, 530 and 542 above and paras. 569, 571 and 597-631 below), including in the deals involving CAMAC and Black Pearl, as documented by the Group (see paras. 608-627 below). Gold smugglers in Nairobi and staff officers for General Ntaganda in Goma reported that "Bruce"[154] (see para 619 below), a Congolese national established in Nairobi, also carries out business on behalf of Ntaganda in Nairobi and throughout the region.

548. "General" Jean Claude Mundeke Kabamba, alias "Dako", who was a Congolese military officer during the Mobutu era, is also included on the list of 15.[155] According to Kenyan authorities, Kabamba pretends to be affiliated with FARDC or Mai Mai in order to present a security guarantee for deals involving gold from the Democratic Republic of the Congo (see annex 146). According to several gold smugglers, the 2.5 tons of gold referred to above was traded by Kabamba. A close collaborator with Kabamba reported that the 2.5 tons consisted of real gold from mines in Walikale, brought to Nairobi through Beni and then sold in Thailand.

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[154] Also allegedly referred to as "Brice".

[155] "General" Jean Claude Kabamba claims to be an important member of the Congolese political opposition. In his words, he is the co-founder of FPLC, created in 1998 as a political movement with the aim of protecting the Democratic Republic of the Congo against the "Rwandan threat". According to Kabamba, the military wing of the movement is Mai Mai in the Democratic Republic of the Congo. In Kabamba's view, the armed group acting in Rutshuru and calling itself FPLC misused the name of the "true" FPLC (see annex 142).

Kenyan authorities told the Group that in 2010, Kabamba had visited Thailand to sell gold. Kabamba's passport bears a 2010 visa for Thailand (see annex 147). Kenyan officials and gold dealers informed the Group that both Kabamba and Paul Kobia had been the brokers in the deal.

549. After the list of 15 names had been transmitted, Kenyan authorities carried out investigations and discovered 400 kg of gold in Kabamba's house, following which Kabamba and his two associates, Jean-Claude Kanza and Ruphin Kazadi Elumba, alias "Elka", were arrested. Authorities and gold traders in Dubai and Nairobi revealed that Kabamba had attempted to sell the same 400 kg to several persons, and had sent 400 kg of counterfeit gold to Dubai with false documentation to be sold to Ulrich Annas Bongo. Although the three were released on bail, they are still on trial in Nairobi for fraud and the use of false United Nations documents, following a complaint filed by Bongo (see annex 148).

550. Another Congolese smuggler of Congolese gold in Nairobi is Jojo Mandiki Mapatai. He used to cooperate with Kabamba and Benoit Katumbi, in Nairobi, and with Jean-Luc Musesambili, in Kampala. Jojo Mandiki is currently under arrest by the Congolese authorities for being implicated in the February 2011 CAMAC case (see paras. 606-622 below).

United Republic of Tanzania

551. The Group obtained national gold export statistics from Tanzanian mining authorities, which indicate only gold domestically produced in industrial concessions, excluding artisanal gold. There are no recorded imports of gold from the Democratic Republic of the Congo, and gold in transit is not registered. The Group obtained multiple testimonies from gold traders bringing gold to Mwanza, either directly or through Kampala; it also received Congolese export documents accompanying a batch of gold sitting in transit in a warehouse in Dar es Salaam. The Group did not receive documentation requested from the Tanzanian authorities, limiting the Group's examination of the role of the United Republic of Tanzania as an export hub for Congolese gold.

Dubai

552. In September 2011, the Group met with gold refiners and other importing companies in Dubai concerning gold purchases from East Africa. The Group identified one jeweller in the gold *souk* in Dubai and one importing company in one of the Economic Free Zones, which admitted by telephone to having officially imported gold from the Democratic Republic of the Congo. The Group has initiated dialogue on their sourcing policies. Several importers shared with the Group a number of rejected offers of Congolese gold, which, upon verification with mining authorities in the Democratic Republic of the Congo, appear to have been falsified:

(a) 30 kg offered by DEFTEK, a company registered in Senegal, supposedly exported by Kivu Global Mining through the Bunagana border post and sitting in a warehouse in Nairobi (see annex 149);

(b) 30 kg offered by Bamu Trading, supposedly exported from Beni through the Kasindi border post into Uganda. The company is not registered in North Kivu (see annex 150);

(c) 100 kg offered by Mabanga Mines, supposedly exported from North Kivu and sitting in a warehouse in Nairobi. The company is not registered in North Kivu;

(d) 300 kg offered by Miniera de Geca and Oxford Minerals, supposedly produced in Kolobwe, near Lubumbashi. There is no record of these companies in Katanga, and there are no gold mines in Katanga that could have ever generated this amount.[156]

553. Congolese gold runners in Kampala told the Group that they used false Congolese export documents such as the ones referred to above to obtain airway bills from the airway carrier that they used to allow the gold on board flights from Kampala to Dubai. In turn, the airway bills enabled them to clear customs in United Arab Emirates airports, with or without certificates of origin and sales invoices. This explains the substantive discrepancy between officially exported gold from Uganda and officially imported gold from Uganda in Dubai. Ugandan export statistics for 2010 show 520 kg of gold exports, while United Arab Emirates statistics show 3,366 kg of gold imports from Uganda. According to the same statistics, Uganda doubled its exports to the United Arab Emirates between 2009 and 2010 (see annex 151). Effectively, almost 3 tons of fraudulently traded gold from the Democratic Republic of the Congo may have been laundered into the legal supply chain in Dubai through Kampala.

554. The Group met with customs officials in the United Arab Emirates who insisted that importers must present certificates of origin, sales invoices and proof of tax payments in the country of origin. The Group was promised statistics and other relevant data concerning gold imports from Africa up to 2011. At the time of reporting, however, the Group had received only rough statistics up to 2010, without any information on exporters and importers.

B. Non-mineral natural resources

1. Timber

555. A large proportion of the timber produced in the Democratic Republic of the Congo for international markets comes from Ituri district in Orientale Province and is exported through North Kivu at the Kasindi border crossing with Uganda. An association of timber operators shared with the Group a list of legal and illegal taxes levied by civil authorities as well as military, police and intelligence services from the point of production to the border (see annex 152). The high number of taxes encourages operators to smuggle. Statistics for timber exports at Kasindi available to the Group attest to the current lack of transparency. For example, in June 2011, the Office congolais de contrôle recorded total exports of 4,177 cubic metres. The environmental service, however, recorded only 2,465 cubic metres, and customs recorded no more than 1,231 cubic metres. A large portion of the timber exports serves the markets of neighbouring countries. However, Kenyan customs officials explained to the Group that Congolese timber entered their country with paperwork from other countries such as Malawi or the United Republic of Tanzania.

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[156] These last two conclusions come from official files viewed by the Group.

Taxation on charcoal and timber

556. At Tebero, northern Masisi, returnees and Rwandan nationals cut wood and produce charcoal in the forest. The local population informed the Group that a Captain Kasongo collected taxes on timber and charcoal on behalf of Colonel Zimurinda (see paras. 264, 308, 318 and 322 above, paras. 628-631 and 647-651 below and box 2). Reportedly, Kasongo commands some 25 soldiers and has been based at Tebero for four years. Kasongo requests each of some 50 charcoal producers to contribute 1,500 Congolese francs per sack. In addition, he requests a contribution in kind of the charcoal, which provides him with about 15 sacks per day. He also requests each woodcutter to pay a $70 tax per month for access to the forest, as well as a contribution of two planks each Monday as payment for security provision. There are approximately 150 woodcutters at Tebero (see annex 153).

557. In the Bwiza settlement in Virunga National Park, civilian taxation officials reportedly levy taxes on charcoal and timber production and give the proceeds to Colonel Zimurinda. Each of the estimated 4,460 charcoal producers is supposed to pay $5 per production cycle of about two weeks to gain access to the forest, use ovens and evacuate charcoal from Bwiza.

2. Poaching and fisheries

Ivory trade through Kampala

558. According to Institut congolais pour la conservation du nature and other sources, Mai Mai Muhamba, under the command of Muhamba Aliaki (see para. 267 above), has killed at least eight elephants near Kyavivonge, in the northern sector of Virunga National Park, since January 2011. Muhamba maintains between 10 and 30 militias on the shores of Lake Edward. His small group is associated with PARECO LaFontaine (see paras. 130 and 266-269 above), whose "*État-major*" is currently established in Bunyatenge. According to Institut sources, the ivory is taken to Kampala, where it is sold for about $60 per kg.

Lake Edward

559. The Group received information that armed groups and FARDC were making a profit from illegal fishing activities and poaching on the shores of Lake Edward and within Virunga National Park. The area around Tshondo appears to be an important hideout for armed groups. The Group has determined that within this area, Soki's FDLR splinter group (see para. 135 above) runs an illegal fishery near the Rutshuru River. Many of the fishermen who come for certain periods from Vitshumbi, Nyamilima, Binza and Kanyabayonga also hunt for game meat. They pay $20-50 to Soki each week, depending on the size of their catch. Furthermore, in the course of 2011, the Soki group has taken several crews of fishermen hostage and demanded ransoms for their release. After the kidnapping of 20 fishermen from Vitshumbi on 30 August 2011, the families of the victims had to collect $2,000 to have them released. A similar incident occurred on 21 September 2011, when 11 fishermen and four fishing boats were captured. This time, Soki demanded as much as $3,000 and refused to release anyone after the villagers had paid him a first sum of $1,400. Earlier, in February 2011, the Soki group had taken a SOCO oil subcontractor hostage near Katwiguru, successfully negotiating an undisclosed ransom, according to a SOCO employee and FPLC, military intelligence and FARDC sources.

560. The west side of Lake Edward is another popular area for illegal fishing, which is protected in some places by Mai Mai rebels or FARDC. In Kamandi, for example, Mai Mai forces under Colonel Bozi Batoki take a weekly tax of $20-40 from illegal fishermen and attack or intimidate town officials who want to abolish illegal fishing. Mai Mai Bozi also protects illegal farmers, poachers and charcoal burners. In Luniasenge, FARDC controls illegal fishing. There are 110 official fishing *pirogues* in Luniasenge, but there are reportedly twice as many clandestine ones there. Illegal fishermen pay the military $30 per week per boat. According to several villagers, revenues are channelled to FARDC Captain Abedi of the 8062nd battalion. Elements of the same battalion based in other lakeside villages are said to use similar taxation systems. Sources at the Institut congolais pour la conservation du nature estimate that overall, more than 2,000 illegal fishing boats operate on Lake Edward. Given that these boats pay an average weekly contribution of $30 either to Mai Mai or to FARDC, as much as $240,000 may flow from the illegal fishing business to weapons holders near Lake Edward each month (see annex 154).

VIII. Arms and ammunition

A. Cross-border movement of arms and ammunition

561. The Group was informed by Congolese military intelligence sources about boxes of weapons, including AK-47 assault rifles, rocket launchers and RMG machine guns, along with ammunition, arriving from July 2011 onwards at the Bukavu residence of the Deputy Commander of Operation Amani Leo in South Kivu, Colonel Makenga (see paras. 318, 322, 326 and 462 above and paras. 571 and 591 below). The same sources alleged that arms and ammunition came from Uganda through Rwanda and were transported by boat across Lake Kivu. Makenga's residence is situated in the Nguba neighbourhood of Bukavu, close to the border on the lakeside facing Rwanda. Colonel Makenga maintains a company of soldiers at his residence and has a jetty at the edge of his garden where boats can discharge goods. This is in violation of town regulations that forbid boats from mooring at residences near the border, because of concerns about smuggling.

562. For other examples of illegal arms imports, see paragraphs 156-158 and 169 above.

B. Diversion of arms, ammunition and military equipment of the Forces armées de la République démocratique du Congo

563. FARDC remains the principal source of arms, ammunition and military outfits (i.e., uniforms and boots) for armed groups operating in the eastern part of the country. Poverty, indiscipline and a lack of accountability lead some rank-and-file soldiers to sell their military outfits, claiming to their superiors that they have been stolen or lost in combat. Armed groups also recover military equipment at abandoned FARDC positions and on the battlefield, or conduct raids on FARDC posts for that purpose. The Group found evidence that higher-ranking commanders had channelled larger quantities of arms and ammunition to Congolese armed groups for both commercial and military purposes.

564. FARDC soldiers told the Group that on several occasions their armed group opponents had been wearing new uniforms and army boots, sometimes even before the soldiers had received their own new uniforms. In a case reported by MONUSCO and verified by the Group, on 20 May 2011, Mai Mai Sheka sent civilians from Kigoma village to Walikale to buy new FARDC uniforms in exchange for gold. The Group also interviewed eyewitnesses who had seen armed FDLR combatants in Manguredjipa, near Njiapanda village, wearing new FARDC uniforms on 5 July 2011. In another case, FARDC soldiers caught FDLR combatants selling FARDC-issued boots near the FARDC training centre at Kananda. The Group confirmed that the boots were of the same make as those worn by regular FARDC soldiers (see annex 155).

565. Although no FARDC soldiers interviewed by the Group confessed to having sold army-issued items for extra cash, most of them acknowledged that, if faced with dire economic hardship, they would not hesitate to do so to survive. All those interviewed by the Group said that fellow soldiers traded ammunition for anything, including money and cannabis. On 8 April 2011, a former FDLR major in a MONUSCO disarmament, demobilization, repatriation, resettlement or reintegration transit centre in Bukavu confirmed to the Group that the main source of ammunition for FDLR was FARDC. "They would offer us ammunition in exchange for anything, ranging from marijuana to money to bush meat — anything", he said. The ex-Major added that FDLR needed an intermediary to take the commodity or money to FARDC bases and exchange it for ammunition. He summarized that there were two main ways in which FDLR acquired ammunition and uniforms: direct purchasing from PNC and FARDC, and raiding or ambushing FARDC stocks.

566. Weapons and ammunition abandoned in the battlefield are a major source of supply for armed groups (see para. 51 above). In addition, arms are sometimes abandoned by FARDC because of a lack of logistical capacity. A schoolteacher in Kashebere found a large quantity of ammunition on 28 April 2011 in a hut vacated by the FARDC 233rd brigade. The Group interviewed residents of Kashebere who indicated that FARDC soldiers had been warned of an impending attack by FDLR and had vacated the hut, abandoning the ammunition. Civilians informed a MONUSCO patrol about the cache, which it secured. According to MONUSCO sources, the ammunition consisted of one 82-mm mortar bomb, approximately 6,000 rounds of small arms ammunition (mainly for AK-47 assault rifles), about 800 rounds of RMG ammunition, twenty-five 60-mm mortar bombs and eight 82-mm mortar bombs.

567. The Group received testimonies from former child soldiers who described how they would beg for several days at an FARDC operational base with the intention of determining where the latter's arsenals were stored. The child soldiers would then transmit to their rebel commanders the intelligence collected, whereupon the commanders would plan a raid against the FARDC base.

Army reforms

568. The ongoing FARDC regimental training process provides an opportunity for the biometric identification of individual soldiers. This would reduce the ability of soldiers to falsify information, and would contribute to the elimination of "ghost soldiers". However, the data contained on biometric identification cards does not include the type of weapon issued to each soldier. The Group recommends that each

soldier's weapon type and markings (serial numbers) should be linked to his or her biometric information in the database, to permit traceability in case the weapon is lost. This would assist the centralization of all data linked to individuals, whereas data relating to arms and ammunition issued to soldiers is currently entered in manual registers kept in the field, making them prone to abuse and/or loss. It would also be in line with the recommendations of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which calls for, inter alia, proper record-keeping, marking and tracing.

569. The Group received reliable information relating to the existence of stockpiles of weapons in the possession of former CNDP officers integrated into FARDC. Inquiries confirmed that the situation pertaining to arms caches under General Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465, 485-487, 498-504, 530, 542 and 547 above and paras. 571 and 597-631 below), as reported in the previous final report of the Group (S/2010/596, para. 156), had not changed. Four independent sources of former CNDP soldiers now integrated into FARDC informed the Group that the locations of the caches remained inaccessible to outsiders, as they were under tight control by Ntaganda's aides under the command of Major Ndizeye Mugisha.

570. There are continued problems with weapons declarations during the process of the integration of former armed groups into FARDC. Of the initial 3,992 PARECO elements integrated into FARDC so far, only 800 have surrendered any weapons. Similarly, of the approximately 5,000 CNDP elements integrated, only 2,500 have thus far declared weapons.

571. Many soldiers joining new regiments have claimed not to have any weapons in their possession. Several senior officers of new FARDC regiments stated that on average, between 400 and 500 soldiers per regiment of 1,200 reported for training without weapons. While some deny having had any weapon, others claim to have surrendered their weapons to the commanders of their former armed groups when they opted for integration into FARDC. Three Government ordnance specialists told the Group that undeclared weapons often ended up in illegal caches such as those maintained by Ntaganda, Colonel Makenga and Colonel Rukunda, who have defied efforts by Government authorities to verify stockpiles under their command.

C. Stockpile management

572. A working group on physical security and stockpile management has been established, under the auspices of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo, to spearhead a review of regulations governing the storage and care of weapons and ammunition held by FARDC. The working group is developing a reference manual that sets out guidelines on the marking, transportation, possession, storage and management of arms and ammunition. The working group includes the Commission nationale de contrôle des armes légères et de petit calibre et de réduction de la violence armée (CNC), FARDC logisticians, the Mines Advisory Group, the United Nations Mine Action Coordination Centre and the Security Sector Reform Section of MONUSCO.

1. Goma

573. On 2 June 2011, the Group visited an FARDC ammunition depot located about 200 m from the port of Goma, on the shores of Lake Kivu. About two thirds of the wall around the depot is a natural escarpment of hills providing the depot with a natural barrier in the event of an explosion. However, the entrance side of the depot, which remains without a security wall, faces the port, which is only 200 m away from 17 containers packed to the limit with ammunition for light weapons (see annex 156). The North Kivu logistics commander complained to the Group about an insufficient number of containers. The Group inspected the condition of the ammunition and concluded that there was an urgent need for extra containers in addition to other stockpile management measures, as set out in the recommendations of the present report.

Box 5

Bomb disposal at Goma airport

The Group received information regarding four bombs stored in the open on the periphery of Goma airport (see annex 157). The Group visited the site in the company of United Nations Mine Action Coordination Centre bomb specialists and determined that the bombs were in a dilapidated state and, in the event of an explosion, would cause a colossal loss of life and property. The bombs are located 100 m from the main road leading to Goma airport, 200 m from the Uruguayan military base, 300 m from the runway of Goma airport and 800 m from the densely populated area around the airport. The normal shelf life of this type of explosives, if stored under ideal conditions, would be no longer than 35 years. However, under the conditions in which they are stored, the chances are high that they are already unstable. The Group obtained a copy of a proposal calling for the disposal of the bombs, dated 19 January 2011 and signed by senior FARDC officials (see annex 158). However, by October 2011 the proposal had not yet been approved by the FARDC Chief of Staff. The dilapidated state of the four bombs requires their urgent disposal in order to avert a potential explosion.

2. Bukavu

574. Nor is the security of the stockpile in the *Maison des travaux publics* in the centre of Bukavu town assured (see annex 159). First, the armoury is an old structure with only loose barbed wire around it; secondly, it is located in a heavily populated area of the town; and thirdly, it is prone to flooding. The Group has a copy of a letter sent to the FARDC 10th Military Regional Commander on 4 July 2011 decrying the state of the armoury, which had flooded on several occasions, exposing weapons and ammunition to rust (see annex 160). The letter also refers to earlier letters (dated 10 May 2010 and 5 April 2011) on the same issue.

575. The Group was also informed by FARDC logistics command officers that the logistics base at Camp Saio did not receive military supplies, as should be the usual practice; instead, new supplies are sent directly to various operational units in the field. This has left the base's personnel with no knowledge of the operational needs

of the military regions and no record of their acquisitions. The practice has deprived the logistics base of the ability to carry out its mandate. In addition, the logistics command officers at Camp Saio informed the Group that although the FARDC uniforms had been changed as from 30 June 2010, the old FARDC uniforms that had never been distributed remained in the logistics store pending further orders regarding their disposal. There is a risk that if they are not disposed of safely, the uniforms may be diverted.

576. In North Kivu and Oriental provinces, the regional logistics bases play their role as mandated. However, the Group was informed by a number of FARDC military commanders, as well as by operational officers in the three provinces, that the biggest challenge was a lack of storage facilities for military hardware within operational units. This means that it is usually the responsibility of units and individual officers to ensure the security of their own arsenals. This, in turn, according to FARDC officers interviewed, increases the risk that ammunition will be sold or traded. Other officers, however, argued that military units moved with their arsenals.

577. From interviews with military logistics personnel across government security agencies in the three eastern provinces, the Group has determined that the regional logistics bases' interactions with operational units ceases at the supply level. Regional logistics bases have no ability to monitor and evaluate the operations of the units, which operate as independent entities. The units are not receptive to advice on the effective management of their stockpiles, with logistics personnel noting that a good number of the soldiers are former rebels with neither formal military training nor stockpile management experience.

D. Community disarmament

578. Community disarmament is being handled by Paix et réconciliation, a non-governmental organization mandated by the Government of the Democratic Republic of the Congo.[157] Its President is Pastor Daniel Ngoy Mulunda, who, since February 2011 has also been President of the Independent National Election Commission. A senior staff member of Paix et réconciliation informed the Group that the Government funded 95 per cent of its disarmament budget, while national and international partners covered the rest of the budget. So far, Paix et réconciliation has been active in North Kivu, Katanga and Kinshasa, but plans are under way to launch the programme in South Kivu, followed by Oriental Province, if the organization obtains the necessary funding.[158]

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[157] The disarmament process in the Democratic Republic of the Congo has taken various forms since the end of the second war. The first attempt was made in 2004, through the Programme national de désarmement, démobilisation et réintegration, which was managed by the governmental agency for demobilization. The Programme closed its first phase in June 2008, after demobilizing 102,000 of the expected 186,000 combatants and collecting 104,000 weapons. The second phase of the Programme targeted the remaining 98,000 combatants and ended in December 2009. The second disarmament, demobilization and reintegration programme in the country was a regional one, targeting the eastern Kivu provinces and designed under the Amani peace agreement signed on 28 January 2008 by 23 armed groups, including CNDP.

[158] There are also ongoing discussions between the United Nations Development Programme (UNDP) and Government authorities on a modalities and implementation calendar for a community disarmament project to be implemented by UNDP.

579. On 2 July 2011, Paix et réconciliation officially handed over to the politico-military authorities of North Kivu (the Commandant of the 8th Military Region and the Presidential Guard) the last lot of 7,500 arms collected in North Kivu from March to October 2010. Weapons have been collected sporadically by Paix et réconciliation since October, according to an official of the organization. The arms are stored in containers in Goma, under the custody of the Presidential Guard. The Group was unable to inspect the condition of the arms held in Goma, despite requests to the Presidential Guard and Paix et réconciliation.

580. The approach taken by Paix et réconciliation to disarmament is risky. First, because the origins of weapons are not analysed, arms from existing Government stocks can be handed in for monetary gain. A recommendation set out in the 2011 report of the Secretary-General on small arms is that post-conflict weapons collection programmes record weapons in sufficient detail to permit effective tracing when diversion is suspected, as this would ensure accounting and accountability as well as the proper disposal of each weapon, preferably by destruction.[159]

581. Secondly, the offering of cash attracts weapons from neighbouring countries into the Democratic Republic of the Congo. The Group interviewed an ex-combatant being held in prison in Bukavu who confessed to have, together with seven Burundian individuals, dug up an FNL arms cache, including Kalashnikovs rifles, revolvers and grenades, which had been transported across the border to the Ruzizi Plain in order to bring it to Paix et réconciliation in Goma. He told the Group that the mission had failed because an FARDC major had intercepted the truck, confiscated all weapons, and arrested him with one weapon only. During his trial, the defendant told the tribunal that he had been in the possession of only one firearm (see annex 161).

582. Thirdly, people may pose fraudulently as officials of Paix et réconciliation in order to collect weapons. The national coordinator of the organization informed the Group of a case in which someone impersonating the deputy national coordinator of Paix et réconciliation had collected weapons in North Kivu in May 2011, prompting the organization to suspend the operation for a while.

583. Fourthly, if weapons are not destroyed, they can be recycled. Destruction improves public confidence in the weapon collection programme.[160]

584. Fifthly, weapon buy-back schemes are generally more successful when the perceived risk of further conflict is lower than is the case today in the Kivus. Effective schemes have offered agricultural implements instead of cash, have been embedded in broader community development schemes and have coincided with a specific amnesty period.

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[159] S/2011/255, para. 15.

[160] Ibid., para. 28.

E. Notifications to the Committee on deliveries of military equipment and the provision of training to the Forces armées de la République démocratique du Congo

585. By paragraph 5 of its resolution 1807 (2008), renewed by paragraph 1 of its resolution 1952 (2010), the Security Council obliges all States to notify the Committee in advance of any shipment of arms and related materiel for the Democratic Republic of the Congo, or any provision of assistance, advice or training related to military activities in the Democratic Republic of the Congo, except those referred to in paragraph 3 (a) and (b) of the resolution, and encourages them to include in such notifications all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments. Pursuant to resolution 1807 (2008), the Group reported in its interim report (S/2011/345, para. 62) on notifications to the Committee of arms transfers from Montenegro and Serbia to the Democratic Republic of the Congo.

586. Subsequent to these two notifications, the Committee made the Group aware of four notifications by the United States relating to training. The first relates to a training programme to be offered to the armed forces of the Democratic Republic of the Congo; the second concerns the provision of non-lethal equipment and training to the Congolese military justice sector; the third relates to the provision of body armour and gas masks to be used by MONUSCO and the International Organization for Migration in the training of PNC rapid-response units; and the fourth concerns the training of FARDC by an American company, Northrop Grumman Technical Services Inc., which will involve five iterations, running from July 2011 to financial year 2013.

587. In addition, the Committee was notified that Belgium would send 90 military officers to the Democratic Republic of the Congo to assist in the training of the country's rapid-response unit for a period of six months. The training is being offered to the FARDC 322nd rapid-reaction battalion unit, and is being carried out from October 2011 to March 2012.

588. The United Kingdom and Australia also notified the Committee of their intention to supply non-lethal military equipment to the Government of the Democratic Republic of the Congo. Further notifications were related to military materiel from Egypt (two notifications), Serbia (second notification) and France.

589. Records of notifications sent to the Committee in 2010 by Ukraine shows the country's intention to ship a total of 120 battle tanks, in categories of T-72 tanks (20 units), T-72 tanks (30 units), T-72 tanks (20 units) and T-55 tanks (50 units). However, according to the report of Ukraine to the United Nations Register of Conventional Arms dated 23 June 2011, detailing the country's arms transfers to the Democratic Republic of the Congo in 2010, Ukraine exported 130 battle tanks. The Group, through the Committee, sent a formal communication to Ukraine seeking clarification regarding the discrepancy of 10 battle tanks. At the time of reporting, the Group had yet to receive a response from Ukraine.

F. Control mechanisms

1. Democratic Republic of the Congo

590. The Group is of the view that the Government should fast-track the marking of State-owned arms and improve the condition of its armouries as immediate steps to improve the security of its stockpiles. The Group obtained information from the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States that the Democratic Republic of the Congo is among the five States members of the Regional Centre that produce ammunition. The Group has confirmed, both from sources in the Congolese military and from officials of the Commission nationale de contrôle des armes légères et de petit calibre et de réduction de la violence armée, that the ammunition plant called Afridex in Likasi, Katanga Province, manufactures ammunition for small arms and light weapons. The Group did not manage to visit the plant in the course of the current mandate to evaluate its status quo, but will do so in future.

591. In June 2011, the Government of the Democratic Republic of the Congo launched a stock-taking process with regard to all armaments in its possession. During one of the Group's investigations in South Kivu, it interacted with the ordnance evaluation team charged with this task, which highlighted several challenges that it was facing. One of the difficulties was the refusal of certain FARDC commanders to have their stocks of arms and ammunition evaluated. The ordnance evaluation team cited Colonel Makenga and Colonel Makanika as among those who had resisted efforts to evaluate the armaments under their command, arguing that those armaments did not belong to the Government. However, the Group views the initiative by the Government to establish a national armament inventory as a positive step towards transparency and accountability, and encourages the Government to enforce the compliance of those commanders resisting the process.

2. Regional

592. In paragraph 14 of resolution 1952 (2010), the Security Council reiterated its recommendation to the Government of the Democratic Republic of the Congo that it promote stockpile security, accountability and management of arms and ammunition as an urgent priority, with the assistance of international partners as necessary, and implement a national weapons-marking programme in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms.

593. The interim report of the Group called upon the authorities of the Democratic Republic of the Congo to mark State-owned firearms in accordance with the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.[161] The Government has established the Commission nationale de contrôle des armes légères et de petit calibre et de réduction de la violence armée, but it has not yet begun to mark State-owned arms. On 25 July 2011, the Commission nationale de contrôle des armes légères et de petit calibre et de réduction de la violence armée launched a five-year (2012-2017) national action plan with the support and participation of the Regional Centre and international partners. According to Commission officials, the launch of

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[161] S/2011/345, para. 114.

the plan paves the way for the start of the marking process. In August 2010, the Regional Centre supported the training of 45 Congolese experts in the area of data management.[162] The Commission envisages launching the marking process early in 2012 at the central logistics base at Camp Kokolo.

594. At the regional level, the Group visited the Regional Centre's secretariat in June 2011 and was informed that most of its member States[163] were making good progress in the process of marking State-owned arms. States members of the Regional Centre neighbouring the Democratic Republic of the Congo, such as Burundi, Rwanda, the United Republic of Tanzania and Uganda, are among those that have advanced in marking their State-owned arsenals. Ugandan officials could not confirm that Ugandan troops deployed in the Democratic Republic of the Congo had been issued marked and registered weapons and ammunition. Rwandan officials stated that all troops and police on peacekeeping missions had marked weapons; it is unclear whether this includes troops on joint operations in the Kivus.

595. The Regional Centre also informed the Group that five of its member States produced ammunition: the Democratic Republic of the Congo, Ethiopia, Kenya, Uganda and the United Republic of Tanzania. The Group made enquiries about the production capacity and safeguards of these national production facilities, and so far has received answers only from the United Republic of Tanzania.

IX. Updates on sanctioned individuals and entities

596. On 8 July 2011, the Committee published a new consolidated list of individuals and entities targeted for an asset freeze and travel ban, based on updates provided in the Group's interim report.[164] In the present section, further details are provided about two individuals and three entities on the list.

A. General Bosco Ntaganda

Border crossings

597. According to authorities of the Democratic Republic of the Congo, General Bosco Ntaganda (see paras. 238-242, 279, 297-313, 443-445, 460-465, 485-487, 498-504, 530, 542, 547, 569 and 571 above) has crossed from Goma to the town of Gisenyi, Rwanda, twice in 2011, in March and again in September, despite the travel ban imposed on him. Congolese authorities reported that on both occasions Ntaganda had gone there to attend a burial, having sought official authorization to do so from his military hierarchy and from immigration authorities. Rwandan officials told the Group that they have no objections to Ntaganda's crossing the border. They claim that his status as a sanctioned individual "is not a Rwandan problem, but a Democratic Republic of the Congo problem", adding that "Bosco contributes to peace and security to the region, which converges with Rwanda's aims".

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[162] The 45 trained comprised 15 from FARDC, 15 from PNC, 4 from CNC and 11 from civil society.

[163] The States members of the Regional Centre are Burundi, the Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, the Sudan, Uganda and the United Republic of Tanzania. See http://www.recsasec.org/branches.htm.

[164] S/2011/345, annex 5.

598. Congolese immigration officials at the border informed the Group that in addition to making these official visits to Rwanda, Ntaganda regularly crossed the border through a strip controlled by his soldiers. Rwandan immigration officials did not deny this (see paras. 484-487 above).

Control of mining sites

599. Ntaganda controls the Mungwe and Fungamwaka mines, near Numbi, through the Great Lakes Mining Company, managed by Edson Musabarura. During the mining suspension, Ntaganda also derived profits from mineral exploitation at Nyabibwe, through his alliance with Colonel Saddam Ringo (see paras. 464 and 465 above). At Rubaya, Ntaganda gains large revenues from taxation levied by "parallel" mine police. Ntaganda ordered his troops to intervene on the behalf of Krall Metal Congo at Lueshe (see paras. 439-447 and 458-467 above).

Cross-border smuggling

600. Ntaganda controls a part of the border between the Democratic Republic of the Congo and Rwanda, in Goma; his network within FARDC uses it to smuggle minerals into Rwanda. On the Rwandan side, only RDF monitors this crossing. Ntaganda derives large revenues from a fee levied on the minerals being passed through.

Fuel supply chain to Nairobi

601. Ntaganda owns the fuel station S. Pétrole Congo, near Goma airport. According to land registry records examined by the Group, the station is owned by Logo Kubu. Four FARDC sources, including three who were ex-CNDP FARDC officers, informed the Group that the station belonged to Ntaganda and that Logo Kubu managed it on his behalf. The Group obtained import documents showing that the station receives at least a part of its supplies through the Bunagana border crossing. Two transporters bringing in the fuel from Kisumu in Kenya are referred to in the documents: Hass Petroleum (see annex 162) and Delta Petroleum (see annex 163).

Other businesses

602. According to one ex-CNDP FARDC officer and two CNDP members, General. Ntaganda owns a flour factory in the centre of Goma, which is run by his wife, Akiki Irene, and Lieutenant Colonel Asiki Mawa John. According to a former manager of the factory, the mill has the capacity to produce 300-500 sacks of flour per day, selling at $17 each.

603. Several ex-CNDP FARDC officers reported that in January, Ntaganda had opened Kivu Light Hotel in Goma,[165] which was managed by his relative Kubi Wasabahizi. Transactions during the CAMAC case in Goma (see paras. 606-622 below) were conducted in this hotel (see annex 164). The hotel closed again in May.

604. General Ntaganda derives large revenues from the taxation of several economic activities in Masisi (see paras. 307, 308 and 556-557 above).

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[165] Another, distinct, Kivu Light Hotel in Goma is operated by the same Kubi Wasabahizi.

Financial arrangements

605. According to three ex-CNDP FARDC officers, Ntaganda has several bank accounts in Rwanda under the name of his wife, Akiki Irene. Congolese and Rwandan border officials reported that Ntaganda's wife regularly visits Gisenyi. The Group did not receive answers to enquiries sent to the banks mentioned.

CAMAC case study

606. The Group has found that General Bosco Ntaganda has also collaborated with East African regional networks of dealers selling both real and counterfeit gold to international buyers. Ntaganda's participation in such deals has not dissuaded gold buyers hopeful of obtaining large profits from buying at low prices. The Group is concerned at these cases, both because of the lack of due diligence and because of the infringement of the sanctions regime prohibiting business activities with designated individuals.

607. The Group has investigated one particularly high-profile case in which Kase Lawal, Chair of the CAMAC Group, attempted to conduct a gold transaction that subsequently involved Ntaganda between December 2010 and February 2011. CAMAC is an oil company based in Houston, Texas, in the United States, with offices in Lagos and Abuja, Nigeria. Financing this deal with company funds, Lawal organized it in collaboration with Carlos St. Mary, director of the diamond trading company Axiom Trading, and Dikembe Mutombo of Mutombo International Group.

Events in New York

608. According to St. Mary and hotel records examined by the Group, Lawal convened a meeting to initiate the gold deal in New York on 2 December 2010. There, Mutombo and three relatives, Reagan Mutombo, Stephan Kapuadi and David Kapuadi proposed the sale of 475 kg of gold held in Nairobi (see annex 165). The profit to be gained from the deal was originally estimated at more than $10 million. Lawal agreed to finance the deal, with St. Mary conducting the business in Kenya and the two splitting profits with Mutombo, originally on a 40-30-30 basis. Text messages obtained by the Group demonstrate Lawal's understanding that the gold was to have originated from the Democratic Republic of the Congo (see annex 166). Throughout the process, Lawal made no inquiries regarding the exact origins of or conditions in which the gold had been extracted and transported from the Democratic Republic of the Congo to Kenya.

Inspection of the gold in Nairobi and Goma

609. In Kenya, the alleged owner of the gold was presented by the Kapuadis as Eddy Michel Malonga (see para. 547 above and para. 618 below), with whom St. Mary visited a gold refinery in Karen, outside Nairobi, and was presented with a certificate of ownership in the name of CAMAC Nigerian Limited (see annex 167). After a return trip to Nigeria on the part of a CAMAC security agent, an initial payment of $4.8 million was made to Malonga on 17 December with CAMAC funds. However, when paperwork discrepancies and the false identities of alleged customs agents became apparent, Malonga disappeared, claiming to St. Mary that the first instalment was intended for a "General". Upon resurfacing, Malonga proposed that the transaction be completed in Goma.

610. On 19 January, St. Mary's Kenya-based lawyer, Punit Vudgama, and CAMAC employee Alexander Ehinmola were sent to Goma, where two army colonels accompanied them in a military vehicle to a FARDC-guarded safe house to view the metal boxes that supposedly contained the gold. After St. Mary thoroughly briefed him, describing the military involvement and the signatures of colonels on the new contract, Lawal agreed to proceed with the deal, apparently believing that it would be easier to obtain export documents from the country of origin in Goma. Furthermore, according to St. Mary, Lawal was reassured, rather than concerned, by the explicit involvement of the Congolese military, perceiving it to be a security guarantee.

Cash transactions

611. Subsequently, in Nigeria, on instructions from Kase Lawal, the Vice-Chair of CAMAC Nigeria Limited, Mukaila "Mickey" Lawal, prepared two separate bags containing the remaining amount of currency and joined St. Mary and CAMAC security agent Franck M'Bemba on CAMAC's leased Gulfstream jet for a flight from Abuja to Goma on 3 February (see annex 168). The Nigerian Government provided the Group with passenger manifests confirming this flight (see annex 169). With Reagan Mutombo already in Goma to oversee Dikembe Mutombo's share in the deal, the passengers arrived and were brought to meet Ntaganda at Hotel Ihusi.

612. According to St. Mary, Ntaganda introduced himself as the true owner of the gold and promised to obtain all the necessary paperwork. St. Mary told the Group that both he and Mukaila Lawal had informed Kase Lawal about the General's ownership, providing his name. Nevertheless, Lawal was concerned only to the extent that this presented another twist in the already convoluted deal, but also appeared relieved to finally be engaging directly with the true owner of the gold. According to St. Mary, Lawal did not ask who the General was or suggest that St. Mary should pull out of the deal as a result of his involvement.

613. On 4 February, at his hotel, Kivu Light, Ntaganda instructed St. Mary to retrieve one of the bags of cash from the jet to cover documentation costs. After St. Mary did so, however, there was an armed stand-off between his armed escorts, led by Colonel Masozera, and multiple other security services, including the Republican Guard. According to a witness interviewed by the Group, a call from the presidency, made by the head of the Presidential Guard, led to an agreement that the bag should be brought to the Governor's house. However, Masozera took it directly to Ntaganda's residence and on to Kivu Light, where St. Mary witnessed Ntaganda and his chief intelligence officer, Colonel Nsengiyumva Wilson, counting $3.1 million in cash.

614. The following day, 5 February, St. Mary, Mukaila Lawal, M'Bemba and the flight crew were brought back to the airport, where, according to airport officials who were present, 25 metal boxes were loaded onto the jet. Immediately after Mukaila Lawal had provided the second bag to Masozera, Presidential Security Adviser Colonel Jean Claude Yav boarded the plane and accused St. Mary of illegal possession of minerals. A fire truck was driven in front of the jet. The passengers were subsequently taken for interrogation by intelligence services and eventually brought to the central bank to review the contents of the first bag that they had provided to Ntaganda.

615. According to St. Mary, the bag now contained $2.8 million in counterfeit bills. According to intelligence officers, Ntaganda handed over a second bag, containing $3 million in counterfeit bills, on 10 February. St. Mary shared with the Group photos of the original United States dollar bills from the first bag, which had been counted at Kivu Light (see annex 170); they did not resemble the counterfeit money, which Congolese authorities and St. Mary described as printed on yellow copy paper, with all bills having the same serial number.

Criminal charges

616. On 14 March, the Attorney General's office in Kinshasa charged St. Mary, Mukaila Lawal and M'Bemba with money-laundering and illegal transport of a banned material, given the mining ban in effect at the time. Transferred to a house in Kinshasa after being detained for a month in a hotel in Goma, CAMAC's Kinshasa representative, Marie Elonga, officially paid $3 million in fines, and the three were finally released on 25 March. According to St. Mary, when he had travelled immediately to see Kase Lawal in London, Lawal had told him that he had lost a total of $30 million as a result of the whole ordeal, including transport fees, fines, bribes and the payments made on the gold purchase.

617. Following multiple official letters and telephone calls by the Group, CAMAC's lawyers responded in a letter dated 13 May 2011, stating that the individuals involved were "neither employed by or consultants to our organization" and that CAMAC "has already publicly addressed some of the issues raised in your letter and has no further interest in pursuing the matter" (see annex 171). However, on its website, CAMAC acknowledged the release of its corporate jet, which had been flown to the Democratic Republic of the Congo in breach of its lease with Southlake Aviation (see annex 172). Despite Reagan Mutombo's initial agreement to cooperate with the Group's investigations, he eventually refused to follow through, on the advice of his lawyers.

East African counterfeit gold networks

618. Behind Malonga, the Group has uncovered a wide-reaching network of gold swindlers throughout East Africa, some of whom have had close prior associations with Ntaganda. The Group has concluded that the Kapuadis and Malonga, a Cameroonian national, were working for another Cameroonian, named Yusuf Omar, whom Congolese intelligence has been investigating for more than a year. According to one of Omar's partners, prior to St. Mary's arrival at Goma, Omar sought out Ntaganda in order to ensure the security arrangements for the transaction, owing to the fact that CAMAC was concerned about coming to Goma. Omar travelled to Goma in December and stayed at Ntaganda's hotel, Kivu Light.

619. For his part, Ntaganda told the Group that he had been approached by a Nande businessman named "Bruce Kambale" (see para. 547 above), who had explained the deal and asked for protection in exchange for a percentage of the profits from the scam. The Group confirmed through other con artists in Kampala that Kambale worked closely with Omar.

620. Ntaganda also claimed to the Group that he had informed the head of Congolese intelligence in Goma, Jean-Marc Banza, and FARDC Colonel Jean-Claude Yav about the deal prior to the arrival of the buyers in Goma. In separate interviews, Banza and Yav confirmed to the Group that they had learned of the

CAMAC deal from Ntaganda shortly before the arrival of the Gulfstream jet in Goma. They told the Group that the Government had conducted investigations into those who had organized the CAMAC deal. In the course of those investigations, only one member of the network had actually been arrested.

621. According to the Criminal Investigation Department of the Kenya Police, the key individual behind most of the large gold scams in Nairobi is Paul Kobia (see para. 547 above), who was arrested in March 2011 on related charges. According to documents found by the Kenya Police through raids on Kobia's properties, Kobia had a large number of commissioners working throughout the region selling counterfeit gold, including Omar.

622. Photographs and descriptions presented by the Kenya Police of a refinery operated by Kobia's network match those provided by St. Mary (see annex 173). Furthermore, the description of the metal boxes in which the gold was held outside Goma matches the description of those that St. Mary viewed in Nairobi. The Kenya Police seized large numbers of this type of box in Kobia's homes (see annex 174).

Black Pearl case

623. A similar deal had taken place earlier, in December 2010, when Tariq Fawad Malik, a Pakistani national, came to Goma on board a Hawker 4000 jet from Dubai to engage in a gold deal. Two staff officers of Ntaganda, two gold smugglers in Nairobi and Kampala, and an FARDC source revealed that it had been a direct deal between the client and Ntaganda. Two smugglers reported that the main broker had been the same as in the CAMAC case, Yusuf Omar. A witness to the transaction in Goma confirmed that Omar had travelled to Goma for the deal, through Kigali, alongside a Kenyan and two Congolese nationals.

624. The jet, with the registration number A6-SHH, had been leased from the Dubai Empire Aviation Group[166] and flew to Goma on 14 December, with a stopover in Kampala (see annex 175). Data shared by United Arab Emirates authorities revealed that the charter had been contracted to Black Pearl Capital Limited, based in Dubai, with an address of P.O. Box 211050. The Group was unable to contact Black Pearl during its visit to Dubai, as telephone calls made to the company did not go through and the office, situated at an address provided by one of the brokers involved in the deal, was closed. The P.O. Box number could not be found in the Dubai telephone registry. The Group recognized the logo of the company, which had been shown to the Group earlier by a smuggler who had had dealings with Black Pearl[167] (see annex 176).

625. Gold smugglers operating between Nairobi, Kampala and Goma reported that Black Pearl was a company unofficially purchasing minerals in Uganda, Kenya and the United Republic of Tanzania. Malik works for Black Pearl and travels frequently to Uganda, Kenya and the United Republic of Tanzania to conduct gold transactions. The Group has seen a copy of Tariq's passport, which has the number KG912085

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[166] According to the certificate of registration, the owner of the aircraft is UBS Leasing AG of Switzerland, which leased it to Elegant Aviation Limited, care of Codan Trust Company Limited, in the British Virgin Islands. The latter has it operated by Empire Aviation Group.

[167] The Group found another company with an identical name in Dubai. At the time of reporting, the Group's communication to the second Black Pearl company had not yet been answered.

and expired on 27 January 2011. It bears a stamp authorizing access to Dubai, dated 28 January 2010.

626. Tariq Malik came several times to Goma before the deal, using normal air routes to Kigali. According to the flight manifest, Malik was the only passenger on an Empire Aviation jet all the way from Dubai to Goma and back to Dubai. Empire Aviation Group explained that it functioned as an aircraft charter company providing air taxi services, and did not verify the identities of the companies leasing the jet or of the individuals travelling, leaving that task to United Arab Emirates authorities.

627. This deal did not attract as much attention as the one conducted in February 2011. However, intelligence sources and two direct witnesses to the events reported that the security services had been alerted when Ntaganda sidelined one of the brokers involved in the deal and gave orders to Lieutenant Colonel Masozera Bizimungu Alex to arrest him.[168] According to one of the brokers, the jet had been flown to Goma for the purchase of a large quantity of gold for $2 million. However, the gold appeared to be counterfeit, and the deal did not go through.

B. Colonel Innocent Zimurinda

628. Colonel Innocent Zimurinda[169] (see paras. 264, 308, 318, 322, 556 and 557 above, paras. 647-651 below and box 2), an individual sanctioned since 2010, did not figure in the December 2010 presidential decree giving FARDC ranks to former armed group commanders. However, Zimurinda remained a de facto FARDC colonel and became the Commander of the new regiment at Mweso.

629. At the end of 2010, Zimurinda was behind a wave of recruitment of minors in northern Masisi (see paras. 646-651 below).

630. Zimurinda derives a large amount of revenues from timber and charcoal exploitation in Masisi and facilitates the cannabis trade carried out by Erasto Ntibaturana (see paras. 255, 264, 556 and 557 above).

631. According to police and two FARDC officers, in May 2011 Zimurinda intervened on behalf of a relative apprehended by the border police at a border crossing in Goma. Zimurinda sent at least 15 armed escorts, who intimidated the border police. In response, all border police in Goma gathered at the border, together with some military police and members of the Republican Guard. Ntaganda sent at least 10 officers with their escorts in support of Zimurinda, as explained to the Group at the time by members of Ntaganda's staff. Zimurinda was taken to the military tribunal in Goma, whereupon ex-CNDP FARDC soldiers surrounded the

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[168] Lieutenant Colonel Masozera detained the broker in his house. One day later, Major John Kaka Gakwaya, General Ntaganda's chief escort, showed up with a fake *Officier de police judiciaire* and four armed escorts, and forced the broker to sign a declaration that had already been written on his behalf, in which he recognized his intention to plot against General Ntaganda. Major Gakwaya then handed the smuggler over to Congolese security services, together with the declaration of the *Officier*.

[169] Zimurinda was designated for a travel ban and assets freeze on 1 December 2010; see S/2009/603, paras. 182, 186, 187, 228, 229, 322 and 264 and annex 93; and S/2010/596, paras. 55, 135, 136, 154, 161, 166, 239, 250 and 257 and box 4.

premises. Zimurinda was freed one hour later, after Ntaganda had personally intervened with the military hierarchy.

C. Tous pour la paix et le développement

632. TPD (see paras. 256 and 314 above) is an organization run by Eugène Serufuli Ngayabaseka (see paras. 112, 255, 265 and 314 above), who recently returned to the political arena in North Kivu while becoming the head of the newly created political party UCP (see paras. 112, 222, 265 and 314 above). Serufuli and other important former TPD figures, including Erasto Ntibaturana and Emmanuel Munyamariba (see paras. 265, 305 and 314 above), meet on a regular basis with the Rwandan authorities in Kigali and hold considerable informal influence in Masisi and Rutshuru. Ntibaturana, acting with the assistance of ex-CNDP FARDC officers, organized the settlement of people at Bibwe (see paras. 315-320 above).

633. The Group also documented the forced displacement of populations from the Kitobo plantation owned by Serufuli, Antoine Musanganya and Bertin Kirivita, where, in July 2011, armed herders chased away local residents in order to make room for cattle.

X. Violations of international humanitarian and human rights law

A. Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict

1. Bushani and Kalambahiro

634. Human rights violations committed against civilians in the villages of Bushani and Kalambahiro, in eastern Masisi territory, North Kivu, on 31 December 2010 and 1 January 2011 have been investigated and reported by the United Nations Joint Human Rights Office. The investigation report[170] concluded that 47 women, including one minor, had been subjected to sexual violence and 12 others to cruel, inhuman or degrading treatment by men in uniform identified by several sources as FARDC soldiers. During the same incident, two people were abducted (and released the next day) and at least 100 houses were looted. The incident ostensibly began as a search for weapons in the context of a joint FARDC-MONUSCO military operation, code-named "Hatua Yamana", against a nearby FDLR stronghold at Kimua, but was perceived locally as reprisal for assumed collaboration with FDLR. The report did not positively identify the individual perpetrators, but expressed concern at the slow progress of judicial investigations and the limited cooperation between FARDC and military justice. In addition, a judicial investigation was opened, but this had not led to prosecutions at the time of reporting (see annex 177).

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[170] "Report on the investigation missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed in the villages of Bushani and Kalambahiro, in Masisi territory, North Kivu, on 31 December 2010 and 1 January 2011", published in July 2011.

635. Officially, the operation was commanded by Colonel Chuma Balumisa, zone 2 Operations Commander, and Colonel Mugisha, sector 23 Commander. However, information from independent FARDC sources indicates that the operation was coordinated by Mugisha from Kashebere, while, according to several FARDC sources, the part of the operation involving Bushani was commanded by Lieutenant Colonel Jules Butoni Bihama, Deputy Commander of the 232nd brigade.

636. Five FARDC battalions — the 1213th, 2212th, 2222nd, 2331st and 2311th — were officially selected for Operation *Hatua Yamana* and screened to receive MONUSCO support.[171] Bushani and Kalambahiro were not targeted in operational plans, but the Joint Human Rights Office investigation found in Bushani the packaging of military rations that were supposed to have been distributed to the 2331st and 2222nd battalions prior to the operation (see annex 178). However, the rations designated for the 2222nd battalion had been signed for on 30 December by Major Eustache Ntambara,[172] then Commander of the 2223rd battalion, which had not been cleared to participate in the joint operation.

637. According to local sources and FARDC officers, on 31 December the following units operated in the area around Bushani:

(a) The 2311th battalion, included after initial planning, commanded by Major Mahoro Sebuhoro Sebagado, in the absence of Lieutenant Colonel Eric Badege. FARDC did not report the position of the 2311th battalion to MONUSCO until the evening of 31 December, when it was said to have reached Kashunga, 4 km east of Kimua, where it clashed with an FDLR unit. Military prosecutors subsequently received confirmation from the commanders of the 231st brigade and the 2311th battalion that some soldiers of the battalion had passed through Bushani after the operation;

(b) The 2331st battalion, from Ngungu, led by Deputy Commander Major Emmanuel "Manu" Ndungutse (ex-CNDP) in the absence of Lieutenant Colonel Nzambe Romain. On 31 December, Ndungutse told Romain that he was securing the area between Mahanga and Kimua;

(c) The 2312th battalion, under the command of Major Dario or Major Toto Musangu. It was deployed at Loashi on 9 January and could therefore have participated;

(d) The 2223rd battalion, commanded by Major Eustache Ntambara. In an interview with the Group, Eustache admitted moving with his battalion to the Kimua-Kalambahiro area at the beginning of the year to carry out joint operations with MONUSCO. He said that no other battalions had participated in the operation at the same time and in the same area. He later corrected himself, saying that two other battalions from Ngungu had joined the operation. According to his commanding officer, the 2223rd battalion was deployed along a different axis to Bushani-Kalambahiro;

(e) The 2222nd, 2212th and 2312th battalions, which were held in reserve at Kisopo and were supposed to hold Kimua once it had been taken;

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[171] MONUSCO support is conditional; FARDC units with bad human rights records are not eligible to receive assistance.

[172] S/2010/596, paras. 154 and 251.

(f) The 1213th battalion, which was at Mungazi on 30 December 2010 and at Kalike on 1 January 2011 (see annex 179).

638. The official position of FARDC is that the human rights violations summarized in paragraph 634 above were perpetrated by FDLR. From available information, the Group tentatively concludes that the 2311th battalion and the 231st brigade are most likely responsible for the human rights violations and that Bihama, Mahoro and Mugisha share command responsibility for the events at Bushani and Kalambahiro.

2. Mutongo, Walikale territory, North Kivu

639. During 15 days of combat between APCLS and Mai Mai Sheka in Mutongo and surrounding villages in Walikale territory, North Kivu, in mid-June 2011 (see para. 231 above), at least 50 people, including 12 minors and one adult male, were allegedly subjected to sexual violence and at least 40 individuals were victims of cruel, inhuman or degrading treatment. Extensive looting and other human rights violations were also documented. However, "General" Janvier Buingo Karairi, leader of APCLS, denies the accusations. Buingo points to a letter, which the Group viewed, accusing APCLS of rapes long before this incident had even taken place.

640. The Group concludes that there is some truth to this version, noting that FDLR sources have stated that many women were told to go to Pinga in order to register themselves as victims. The actual number may be about one fifth of the total that has been reported in Pinga, Nyabiondo and Kibua (i.e., 12-15). In an interview with the Group, "Colonel" Jeff, alias "SG" (for Secretary-General), admitted having been in command of the operation in question for APCLS. Nevertheless, on the day that the only confirmed rapes occurred at Miti II, Jeff returned to meet with Janvier and left the chief operations officer of APCLS at the time, Colonel Mukandirwa (see paras. 220 and 230 above), in command of the troops at Maninge.

3. Nakiele, Fizi territory, South Kivu

641. From 9 to 12 June 2011, in the village of Nakiele (140 km north of Fizi centre, South Kivu) and two nearby villages, FARDC soldiers under the command of Lieutenant Colonel Niragire Karibushi Kifaru (see paras. 36 and 326 above) raped as many as 250 women, according to press reports. The military prosecutor subsequently interviewed 121 survivors, but some doubts arose over the credibility of some of those testimonies. According to a United Nations investigation, without prejudging the conclusion of the judicial investigation, it cannot be excluded that Kifaru and his men perpetrated serious human rights violations. However, the United Nations investigators did not find enough evidence that would corroborate the reports by non-governmental organizations on the scale of the human rights violations. Kifaru, a former Mai Mai PARECO commander, had been in charge of the FARDC 43rd sector until he deserted from a training centre at Kananda, north of Fizi centre, on 9 June. On 7 July, Kifaru gave himself up to the authorities along with 191 soldiers.

4. Kikozi, Uvira territory, South Kivu

642. On the night of 26-27 March 2011, in Kikozi (70 km south-west of Uvira), Kalungwe *groupement*, Uvira territory, South Kivu, nine women were allegedly raped and one health centre and several households were reportedly looted by elements of an FARDC battalion composed of former FRF members recently

integrated into FARDC. On 19 and 20 April, a joint investigation team composed of MONUSCO staff and the garrison military prosecutor of Uvira identified the alleged authors: Major Rupongo Rogatien John and Major Shaka Nyamusaraba, belonging to the 4422nd battalion. However, despite the advocacy and support of MONUSCO and the issuance of an arrest warrant by the military against the alleged perpetrators, there was no follow-up on the part of the FARDC hierarchy to bring those suspects to justice.

5. Other incidents

643. The following other incidents of sexual violence, among a great many, are noteworthy:

(a) On 14 December 2010, 20 policemen led by the Deputy Police Commissioner of Yakongolo raped 17 women, looted 45 houses and destroyed property in 156 households in Yakongolo and Yokoko in Opala territory, Orientale. Nine policemen were convicted by the garrison military court of Kisangani, deployed to Opala on 14 May 2011;

(b) In a joint operation carried out from 23 December 2010 to 4 January 2011 to evict people from illegally occupied parkland at Dwali, Lubero territory, North Kivu, at least 15 women were raped and some 5,000 people were displaced. The operation was led by Major Aigle, Second Lieutenant Olivier and Major Nixon of the 131st brigade for FARDC and by "Theo" and Richard Mufuti for the Institut congolais pour las conservation du nature;

(c) On the night of 1-2 January 2011, in Fizi, Fizi territory, South Kivu, more than 50 women were raped by alleged elements of the 43rd FARDC sector under the command of Lieutenant Colonel Kibibi Mutware, during what is believed to have been an operation of retaliation against the civilian population following the killing of one soldier belonging to the sector. During mobile hearings held in Baraka from 10 to 21 February 2011, the military garrison court of South Kivu tried 11 FARDC elements for, inter alia, crimes against humanity and terrorism. Four FARDC soldiers, including Kibibi, were sentenced to 20 years of imprisonment and expelled from FARDC. Two soldiers were sentenced to 15 years of imprisonment, and three others were sentenced to 10 years of imprisonment. The latter five soldiers were demoted. One soldier was acquitted, and another, who was proved to be a minor, was transferred to a juvenile court;

(d) FDLR members seeking refuge from operations by basing themselves around Mount Mitumba and Tanganyika district, Katanga, attacked several villages between November 2010 and January 2011, displacing an estimated 40,000 people. A MONUSCO team visiting five camps for displaced persons was able to confirm that at least 110 individuals from some 23 villages had been raped during FDLR incursions. The FDLR officer for that zone was Lieutenant Ndayambaje Pascal, alias "Zedech", who left FDLR in June 2011 and is now in Zambia.

B. Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law

644. Pursuant to paragraph 4 (d) and (e) of resolution 1857 (2008), the Group carried out research on command responsibility for the recruitment and use of children in violation of applicable international law, focusing on the most systematic cases.

645. From 1 December 2010 to 30 September 2011, the Child Protection Service of MONUSCO documented the release of 1,467 children from various armed groups and FARDC; of these children, 220 (32 per cent) had been recruited during the reporting period. Of the cases documented, 464 were attributed to FDLR,[173] 304 to FARDC, 42 to LRA, 43 to Mai Mai Kirikicho, 164 to PARECO, 57 to FRF and 198 to the Forces de résistance patriotiques en Ituri (FRPI).

1. Forces armées de la République démocratique du Congo and Congrès national pour la défense du peuple recruitment

646. During the reporting period, CNDP continued to recruit young people to help consolidate its control over large enclaves in Masisi and Rutshuru. Recruitment activities were particularly intense between October and December 2010, when CNDP was mobilizing to resist redeployment outside the Kivus, and potentially to prepare sites for the return of refugees. Recruitment also served to inflate the ranks of brigades led by former members of CNDP, enabling commanders to benefit from the salaries of the troops.

647. Young men with military experience, including schoolchildren and internally displaced persons, were targeted for recruitment, and recruits were also reportedly brought in from Rwanda. Recruitment was most intense in the area surrounding Kitchanga (north-eastern Masisi) controlled by Colonel Zimurinda (see paras. 264, 308, 318, 322, 556 and 557 above, paras. 648-651 below and box 2) and in the area surrounding Ngungu (southern Masisi) controlled by Colonel Baudoin Ngaruye. At least 20 local youth volunteers were recruited into a group led by Ngaruye, "Réclamation du peuple", and subsequently trained in Mukareri, a small settlement east of Tebero, Masisi territory.

648. According to multiple reports and reliable local sources, Major Dusenge Munyarihimbi Bertin, the chief civil-military affairs officer for the 22nd sector, and Major Erik Rwakineza, acting under direct instructions from Zimurinda, visited most of the secondary schools in and around Kitchanga in October and November 2010, forcing school administrators to provide lists of children who had previously been associated with armed groups. In November, an official based in Kitchanga reported that soldiers under Zimurinda's command had in their possession lists of the names of 13 students from "Institut Kitchanga" and 120 students from "Institut Trompette" (see annex 180). According to an officer familiar with the sector, soldiers under the command of Zimurinda recruited approximately 100 children during the period.

649. Some of these children were later visited at their homes, others stopped attending school for fear of being recruited, and at least 20 fled to seek refuge and

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[173] FOCA: 392; RUD: 45; Soki: 6; 45: unknown.

protection elsewhere. Three boys who were on the list informed their teachers that they would no longer be attending, as they had found work.

650. Zimurinda is on record as admitting to MONUSCO officials that he had ordered the lists to be compiled. At first, he claimed that the 22nd sector of FARDC had sought to recover deserters who had taken refuge in schools; subsequently, he claimed that the lists had been compiled for protection purposes, but was unable to elucidate.

651. Zimurinda obstructed the screening of the regiment under his commandant in Mweso, Masisi territory. Eight minors were identified during the screening of 300 soldiers at Mweso[174] from 27 to 29 June 2011, but officers reporting to Zimurinda refused to allow their separation in the latter's absence. During a second screening session, on 11 July, the Child Protection Service of MONUSCO screened 375 people, but only 2 minors were identified. According to FARDC officers present, the other 6 minors had escaped, but several FARDC members and local sources informed the Section that these 6 minors, along with 12 others, had been hidden before the start of the process.

Mumanbiro training centre, North Kivu

652. The Group received reports of the recruitment of children by the FARDC regiment at the Mumanbiro training centre. On 19 May 2011, MONUSCO child protection officers carried out an initial screening of the FARDC regiment undergoing training at Mumanbiro, and identified and separated three children between the ages of 10 and 13. The regiment is composed mainly of soldiers formerly belonging to the 131st brigade, part of the 23rd sector and the 222nd brigade. Colonel Masudi Bin Elie is the regiment's Commander.

Lukusa training centre, Kisangani

653. The MONUSCO Child Protection Service gathered information on the systematic recruitment of minors formerly associated with armed groups in Ituri. In most cases, the minors had fled FRPI in Irumu and been disarmed by FARDC in Bunia. They were transferred to Kisangani and taken to the FARDC training camp at Lukusa. Between January and May 2011, the Section and the provincial division of social affairs separated a total of 55 Congolese boys between the ages of 14 and 17 from Lukusa; many had been used to guard FARDC installations. The officer in charge of the Lukusa training centre is Lieutenant Colonel Simon Kuntima.

2. Recruitment into armed groups

654. As in previous years, the Group noted a clear pattern of recruitment activities prior to armed groups joining FARDC, as commanders sought to inflate the numbers of troops under their control to justify retaining their ranks.

Forces républicaines fédéralistes

655. On 21 March 2010, the MONUSCO Child Protection Service documented the case of a 15-year-old Congolese boy who had allegedly escaped the residence of ex-FRF Colonel Rukunda Makanika, FARDC Deputy Commander of Operation Amani Leo South Kivu, in Bukavu, where he had been used as an escort. The child reported the presence of 11 other presumed minors with Rukunda.

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[174] The total number of soldiers in the regiment is approximately 1,200.

656. Owing to the rapid nature of the FRF integration process, many children were redeployed before United Nations child protection specialists could remove them from the ranks of FARDC. As a result, according to Banyamulenge civil society, many children took part in the formation of the 442nd brigade, stationed at Mibunda. Rukunda and Colonel Bisogo each brought one child soldier with him to Bukavu, who, Bisogo claimed in an interview with the Group, was simply a family member whom he was protecting. Human rights non-governmental organizations have expressed concern that Colonel Tawimbi is currently targeting these children for recruitment into his FRF splinter group in the area north of Kamombo.

Mai Mai Yakutumba

657. According to ex-combatants, members of local civil society and FARDC intelligence officers interviewed by the Group, Mai Mai Yakutumba has recruited more than 30 child soldiers over the past two years. While individual commanders are tasked with conducting their own recruitment, all candidates are presented to "General" Amuri and PARC President Looba for approval.

Allied Democratic Forces

658. Multiple former ADF rebels (see paras. 44 and 45 above) confirmed to the Group the existence of high numbers of child soldiers among the ranks of ADF. One ex-combatant claimed to the Group that in his camp of 100 alone, there were more than 30. According to the same source, many of these are children of commanders who study the Qur'an and are taught to handle weapons in order to occupy outlook posts from the age of 10 onward. The Group has obtained video footage of ADF schools for children that depicts them as integral participants in the military camps.

Mai Mai Kifuafua

659. Local non-governmental organizations supporting the demobilization of child soldiers in Walikale have claimed to the Group that they have registered more than 100 minors who were recently recruited by Colonel Lucien "Saddam" Mastaki (see paras. 294 and 295 above) prior to the process of integrating Mai Mai Kifuafua. However, United Nations sources present at the verification process confirmed only 15 children as having been separated at the regimentation site. FARDC officers corroborated this figure for the Group. Nevertheless, given the internal tensions within Mai Mai Kifuafua, the Group was not able to determine which commanders were responsible for the recruitment of children prior to their integration.

Mai Mai Kirikicho

660. After "General" Kirikicho issued a letter promising to release all children associated with his group and to halt recruitment, more than 17 children were separated from his Mai Mai group.

Forces démocratiques de libération du Rwanda-Forces combattantes Abacunguzi

661. Several former FDLR combatants claimed that, despite directives to the contrary, battalion commanders widely accepted new recruits younger than 18 (see para. 72 above).

Other groups

662. In 2011, the Child Protection Service of MONUSCO received unconfirmed reports of new recruitment in South Kivu by Résistants nationalistes congolais in Mwenga territory, by Raia Mutomboki in northern Shabunda and by Front Populaire pour la justice au Congo in southerm Irumu territory, Ituri.

C. Obstruction of the distribution of or access to humanitarian assistance

663. As in its previous final report,[175] the Group found no evidence of intent on the part of individuals to prevent the distribution of humanitarian assistance. Instead, banditry, criminality and logistical challenges remained the main obstacles to the delivery of humanitarian assistance. The Office for the Coordination of Humanitarian Affairs recorded nearly 140 security incidents involving aid workers in the first nine months of 2011. According to the Office, incidents ranged from hold-ups to hostage-taking and the hijacking of humanitarian vehicles to transport military equipment. In the worst incident, on 4 October 2011, five Congolese members of an education non-governmental organization and two other civilians were killed in an attack in Fizi that was attributed to FNL and Mai Mai Yakutumba.

XI. Recommendations

664. The Group makes the following recommendations:

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

(a) The Committee should request INTERPOL to issue INTERPOL-Security Council special notices for individuals and entities designated by the Committee for targeted sanctions. As agreed, the special notices would serve to alert law enforcement authorities worldwide to implement the sanctions in accordance with national legislation;

(b) Should the Committee consider sanctioning any entities on the basis of information provided by the Group, it should also designate the responsible individuals, e.g., company directors;

Security Council

(c) The Council should urge Member States to incorporate the Group's due diligence guidelines into national legislation;

(d) The Council should enhance the maritime and aerial capacity of MONUSCO to provide a deterrent against piracy and to fulfil the Mission's role in monitoring the implementation of the arms embargo;

(e) The Council should consider extending the scope of its designation criteria to include individuals and entities supporting, through illicit trade in natural resources, criminal networks within the State armed forces in the eastern part of the

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[175] S/2010/596, para. 149.

Democratic Republic of the Congo that have not exercised due diligence consistent with the Group's guidelines;

Member States

(f) Member States represented in the Council should encourage the Fifth Committee of the General Assembly to reverse progressive budget cuts affecting the capacity of the Group;

(g) Member States that have not already done so should take steps to raise awareness of the Group's due diligence guidelines and to urge companies under their jurisdiction to implement them;

(h) In order to improve the security of the airspace of the Democratic Republic of the Congo, donors should support the installation of satellite or radar coverage of airports in the eastern part of the country and the automation of the sharing of flight plans;

(i) The process of validating mines in eastern Democratic Republic of the Congo and neighbouring countries with regard to their conflict status, and the subsequent roll-out of a minerals traceability system to these mines, are being slowed by a lack of funds. While traceability should be self-financed by the industry, there is a strong case for assistance by Member States as well as private sources of funding during the start-up period;

(j) Member States should consider supporting the Government of the Democratic Republic of the Congo with the provision of firearms marking machines, particularly those that could be deployed in eastern Democratic Republic of the Congo;

Government of the Democratic Republic of the Congo

(k) The Group welcomes the Government's *note circulaire* of 6 September 2011 requiring all mining operators to exercise due diligence, as defined by the Group and OECD. The development partners of the Democratic Republic of the Congo should assist the Government in implementing this requirement and evaluating compliance;

(l) Customs authorities in the Democratic Republic of the Congo should, in collaboration with their counterparts in Burundi, Kenya, Rwanda, Uganda, United Arab Emirates and the United Republic of Tanzania, develop enhanced systems for verifying the authenticity of certificates of origin for gold, preferably ones that allow for the posting of certificates on secure Internet sites at the time of issuance, that could be cross-checked with the documents presented to the customs authorities of importing or transit countries. In addition, mining authorities in the Democratic Republic of the Congo should require exporters to produce documentation from the exporter identifying the consignee with full address and contact details, thereby facilitating the verification of the nature of the intended transaction;

(m) The Ministry of Mines should ensure that nationally recognized exploration and exploitation concessions are respected at the provincial and local levels, and facilitate transparent dialogue between titleholders and artisanal mining communities regarding access rights;

(n) The Government should mark State-owned firearms as a matter of priority. The weapons marking process should first target the regions most affected by illicit proliferation of arms, such as North and South Kivu and Oriental Province. As recommended in the Group's interim report, the Regional Centre on Small Arms and the Commission nationale de contrôle des armes légères et de petit calibre et de réduction de la violence armée should review the case for acquiring additional marking machines, in recognition of the scale of the logistical challenges facing the country;

(o) The four bombs stocked at Goma airport, which appear to be unstable, should be disposed of (destroyed) as a matter of urgency;

(p) The Government should enhance the security of the ammunition stored near the port of Goma by:

(i) Acquiring more containers for stocking excess ammunition;

(ii) Introducing ventilation in the containers in order to allow for the air circulation necessary for the stability of the munitions;

(iii) Constructing a safety wall on the front side of the ground facing the port;

(iv) Ensuring regular checks and disposal of ammunition found to be unstable;

(q) The Government should relocate the armoury from the dilapidated *Maison des trabaux publics* in Bukavu to a location away from populated areas, and dispose of the obsolete and dysfunctional arms and ammunition, as well as the old military uniforms, stored there;

(r) The Government should make known its policy regarding arms and ammunition collected by PAREC, to prevent speculation. The Government should, in deciding on what to do with those arms, adhere to the principles and resolutions relating to the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (see A/CONF.192/15), particularly its paragraphs 29 and 30, in which States are encouraged to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard;

(s) The Government should accelerate the process of taking a national inventory of arms and ammunition within its security agencies as a means of enforcing transparency and accountability within the security forces;

(t) In conformity with the Nairobi Protocol's requirement on marking and tracing, the serial numbers of each soldier's weapon should be included in the biometric identification database, which should then be made accessible across the country. This would assist in tracing cases of the misuse or loss of weapons;

(u) The Government should relaunch a national disarmament, demobilization and reintegration programme with provision for the collective demobilization of armed groups and community reinsertion, offering alternatives to integration into FARDC;

(v) While restructuring FARDC in eastern Democratic Republic of the Congo, the Government should balance the representation of former armed groups with merit-based promotions, also taking into account individual human rights records;

(w) In order to prepare officers integrated into FARDC from armed groups, the Government should offer specially adapted induction training;

(x) During the election campaign period, FARDC and the Government should ensure full access for all candidates to areas affected by the presence of armed groups;

(y) The Government should reinforce the capacity of the Congolese navy on Lake Tanganyika, improve the navy's cooperation with the Tanzanian authorities to combat arms trafficking, and fund surveillance flights over the Lake;

(z) The Government should shut down illegal border crossings controlled by criminal networks within FARDC, particularly the crossing near General Bosco Ntaganda's house in Goma;

(aa) The Government should investigate and, where appropriate, prosecute the individuals and criminal networks involved in illegal trade and smuggling, as cited in the present report;

United States Securities and Exchange Commission

(bb) The Securities and Exchange Commission of the United States should make reference, in the implementing rules of the Dodd-Frank Act, to the due diligence recommendations of OECD and the Group as reliable due diligence processes for meeting relevant aspects of the reporting requirements set out in section 1502 of the Act. As a time-bound measure, "issuers" should describe a product as neither "DRC conflict free" nor "not DRC conflict free" when the issuer and the mineral processor have:

(i) Taken reasonable steps and made good-faith efforts to conduct due diligence;

(ii) Know and can show that they have identified, assessed and responded to risks in accordance with the risk management strategies recommended by the due diligence recommendations of OECD and the Group;

(cc) Where risks of direct or indirect support for public or private security forces are identified, and issuers and mineral processors decide to continue to trade, they must demonstrate significant measurable improvement within six months and have their due diligence practices audited by an independent third party. If, within six months of the adoption of the risk management plan, there is no significant, measurable improvement, issuers and mineral processors should discontinue their engagement or suspend their relationship with the supplier for a minimum of three months;

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

(dd) The Department of Peacekeeping Operations, the Department of Political Affairs and MONUSCO should prepare contingency plans for foreseeable scenarios during a six-month post-electoral period, taking into account the Group's findings regarding armed groups and the challenges to the integration of former armed groups, as well as the differing security risk profiles associated with national and provincial elections;

(ee) Pursuant to paragraph 12 (r) of resolution 1925 (2010), MONUSCO should allocate resources to accompany and support relevant State officials in carrying out regular spot checks at and monitoring visits to mining sites, trade routes and markets in the vicinity of the pilot *centres de négoce* (see para. 372 above);

(ff)) MONUSCO and international donors should provide specialist training, and logistical support to military and civil prosecutors and mining and border police in investigating cases of illegal trade, smuggling and other economic crimes, particularly those involving criminal networks within FARDC and other Congolese security services;

Companies

(gg) The Group recommends that minerals with respect to which there is documentation proving that they were produced before the Government's mining ban, but were not exported before 1 April 2011, be tagged as stock and sold. Any financial benefit that may have been gained from these minerals by armed groups or FARDC criminal networks has already been realized, and the Group considers that at this stage there is nothing to be gained by leaving the stocks unsold. A generous portion of the proceeds from the stock sale should be used to finance traceability and environmental and social projects in the affected provinces;

(hh) All mineral purchasing, processing and consuming companies that have not already done so should commit to implementing the Group's due diligence guidelines;

(ii) The Group encourages international buyers, processors and consumers of minerals to support the progressive demilitarization of the mining sector in eastern Democratic Republic of the Congo by remaining engaged in the country and in the regional market while implementing supply chain due diligence;

(jj) Oil companies with interests in blocks in eastern Democratic Republic of the Congo should take note of the complex security environment described in the present report and ensure that their exploration — and, eventually, production — operations do not directly or indirectly benefit armed groups or criminal networks within FARDC.

Annex I

Mandate of the Group of Experts on the Democratic Republic of the Congo pursuant to Security Council resolution 1952 (2010), as specified in its interim report (S/2011/345)

The Group of Experts on the Democratic Republic of Congo was originally established pursuant to Security Council resolution 1533 (2004) and has been extended by subsequent resolutions, most recently resolution 1952 (2010) of 29 November 2010. Its role is to gather and analyse all relevant information on flows of arms and related materiel, and networks operating in violation of the arms embargo concerning the Democratic Republic of Congo.[a] The Group reports to the Security Council, through the Security Council Committee established pursuant to resolution 1533 (2004), and makes recommendations on the implementation of measures to enforce the arms embargo.

On the basis of its research, the Group of Experts is mandated to identify individuals and entities found to have violated the provisions of the embargo, and those found to have supported them in such activities, and to recommend them for possible future measures by the Security Council, notably designation for targeted sanctions (travel ban and assets freeze). Referring to resolutions 1807 (2008) and 1857 (2008), potential targets for sanctions include:

- Individuals or entities acting in violation of the arms embargo by supplying, selling or transferring arms or related materiel, military or financial advice, training or assistance to (non-governmental) armed groups operating in the Democratic Republic of the Congo.
- Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups.
- Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes.
- Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law.
- Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

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[a] By Security Council resolution 1807 (2008), all States are required to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of Congo. (Transfers to the Government of the Democratic Republic of the Congo should be notified to the Committee established pursuant to resolution 1533 (2004) in accordance with paragraph 5 of resolution 1807 (2008).)

- Individuals obstructing access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo.
- Individuals or entities supporting illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources.

By paragraph 5 of resolution 1952 (2010), the Security Council requested the Secretary-General to extend the mandate of the Group of Experts on the Democratic Republic of Congo until 30 November 2011, with the addition of a sixth expert on natural resources issues. The Council requested the Group to focus its activities in areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of Congo.

The previous Group of Experts recommended a set of due diligence guidelines for importers, processing industries and consumers of Congolese mineral products (S/2010/596, sect. IX). The definitive guidelines are provided in annex I to the Group's interim report (S/2011/345), and may be considered as a series of measures by which to mitigate the risk of providing direct or indirect support to armed groups in eastern Democratic Republic of the Congo, and hence the attendant risks of reputational damage and possible targeted sanctions.

In resolution 1952 (2010), the Security Council called upon States to take appropriate steps to raise awareness of the due diligence guidelines and to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the guidelines. It also requested the Group to evaluate implementation of the guidelines and to continue collaboration with relevant forums. The Group wishes to draw attention to paragraph 9 of resolution 1952 (2010), in which it is stated that:

> The Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources ... should consider, among other things, whether the individual or entity has exercised due diligence consistent with the steps set out in paragraph 8 [of the resolution].

Annex 2

Current list of individuals and entities designated for targeted sanctions by the Security Council Committee established pursuant to resolution 1533 (2004)[a]

Individuals

1. BWAMBALE, Frank Kakolele (alias: Kakorere)
2. IYAMUREMYE, Gaston (alias: Rumuli, BYIRINGIRO, Michel)
3. KAKAVU BUKWANDE, Jérôme
4. KATANGA, Germain
5. LUBANGA, Thomas
6. MANDRO, Khawa Panga (alias: Kawa, Yves Andoul Karim)
7. MBARUSHIMANA, Callixte
8. MPAMO, Iruta Douglas
9. MUDACUMURA, Sylvestre
10. MUGARAGU, Leodomir (alias: Manzi Leon)
11. MUJYAMBERE, Leon (alias: Musenyeri, Achille, Frere Petrus Ibrahim)
12. MUKULU, Jamil
13. MURWANSHYAKA, Dr. Ignace
14. MUSONI, Straton
15. MUTEBUTSI, Jules
16. NGUDJOLO, Chui
17. NJABU, Floribert
18. NKUNDA, Laurent (alias: Mihigo, Batware)
19. NSANZUBUKIRE, Felicien (alias: Fred Irakeza)
20. NTAWUNGUKA, Pacifique (alias: Omega, Nzeri, Israel, Ntwangulu)
21. NYAKUNI, James
22. NZEYIMANA, Stanislas (Deogratius Bigaruka Izabayo, Jules Mateso Mlamba)
23. OZIA MAZIO, Dieudonné
24. TAGANDA, Bosco
25. ZIMURINDA, Innocent

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[a] The complete list, with identifying information and justifications for designation, as at 1 December 2010, is available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

Entities

1. Butembo Airlines
2. Congocom Trading House
3. Compagnie Aerienne des Grands Lacs (CAGL) — Great Lakes Business Company (GLBC)
4. Machanga Ltd.
5. Tous pour la paix et le développement (TPD)
6. Uganda Commercial Impex (UCI) Ltd.

Annex 3

List of organizations and authorities with which the Group met during its mandate

Democratic Republic of the Congo

Government

Administration provinciale du Nord Kivu

Administration provinciale du Sud Kivu

Administration provinciale du Maniema

Agence nationale de renseignement

Auditorat militaire

Centre d'évaluation, d'expertise et de certification

Direction générale des migrations

Direction Generale des douanes et accises

Forces armées de la République démocratique du Congo

Ministere des affaires foncières

Ministère des mines

Institut congolais pour la conservation de la nature

Police nationale congolaise

Police des mines

Régie des voies aériennes

Service d'appui et d'assistance au *small-scale mining*

SEP Congo

Office national de café

Private sector

Sakima

Fédération des enterprises congolais

Lynceus Group

TTT Mining

Banro

Gracia Mining

Clepad

GMC

Donson

Panju

WMC

GMB

Olive

Citibank

Metachem

North Kivu comptoirs association

South Kivu comptoirs association

Congo-Russia Industry SPRL

Somikivu

ENRA

APENB

Organizations

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Office of the United Nations High Commissioner for Human Rights

United Nations Development Programme

United Nations Office on Drugs and Crime

Observatoire du Gouvernance et Paix

Pact

Caritas

Innovation for the Development and the Protection of the Environment

Catholic University of Bukavu

Development Bank of Southern Africa

Human Rights Watch

Union pour le développement et la protection de l'environnement

Programme transitionnel de demobilization et réintégration de la Banque Mondiale

Joint Information and Operations Centre

Commission Justice et Paix

Rwanda

Government

Ministry of Foreign Affairs and Cooperation

Ministry of Defence

Ministry of Internal Security

Ministry of Forestry and Mines

National Revenue Authority

Rwanda National Police

National Bank

Private sector

Phoenix Metals

Rutongo Mines

Minerals Supply Africa

NRD Rwanda

Burundi

Government

Ministry of Mines

Office burundais des recettes

National Police

National Intelligence Service

National Defence Force

Diplomatic representations

International Conference of the Great Lakes Region

Uganda

Government

Ministry of Foreign Affairs

Ministry of Defence

Ministry of Energy and Mines

Civil Aviation Authority

Private sector

Uganda Commercial Impex Limited

Machanga Ltd.

Kenya

Government

Ministry of Foreign Affairs

Kenya Civil Aviation Authority

Kenya Ports Authority

Kenya Revenue Authority

Private sector

Hass Petroleum Kenya Ltd.

Organizations

Africa Peace Forum

International Crisis Group

Diplomatic representations

Embassy of Belgium

United Republic of Tanzania

Government

Ministry of Foreign Affairs

Ministry of Migration

Ministry of Defence

Ministry of Mines

Tanzania Ports Authority

Mzinga corporation

Private sector

Federal Bank of the Middle East

United Arab Emirates

Government

Ministry of Foreign Affairs

Federal Customs Authority

Dubai Multi-Commodities Centre

Private sector

Kaloti Jewelery

Emirates Gold

Empire Aviation

TLI Global

Malaysia

Government

Ministry of Foreign Affairs

Ministry of Natural Resources and Environment

Chamber of Mines

Private sector

Malaysia Smelting Corporation

Belgium

Private sector

Trademet

Organizations

United States Agency for International Development

Electronic Industry Citizenship Coalition

Global e-Sustainability Initiative

International Tin Research Institute

German Federal Institute for Geosciences and Natural Resources

Channel Research

IPIS

France

Government

Ministry of Foreign Affairs

Organizations

Organization for Economic Cooperation and Development

United States of America

Organizations

Enough

Oxfam International

Refugees International

Resolve

Crisis Action

Diplomatic representations to the United Nations

International Criminal Police Organization

Permanent Mission of the Democratic Republic of the Congo to the United Nations

Permanent Mission of the Congo to the United Nations

Permanent Mission of Brazil to the United Nations

Permanent Mission of China to the United Nations

Permanent Mission of France to the United Nations

Permanent Mission of Germany to the United Nations

Permanent Mission of Kenya to the United Nations

Permanent Mission of Nigeria to the United Nations

Permanent Mission of Uganda to the United Nations

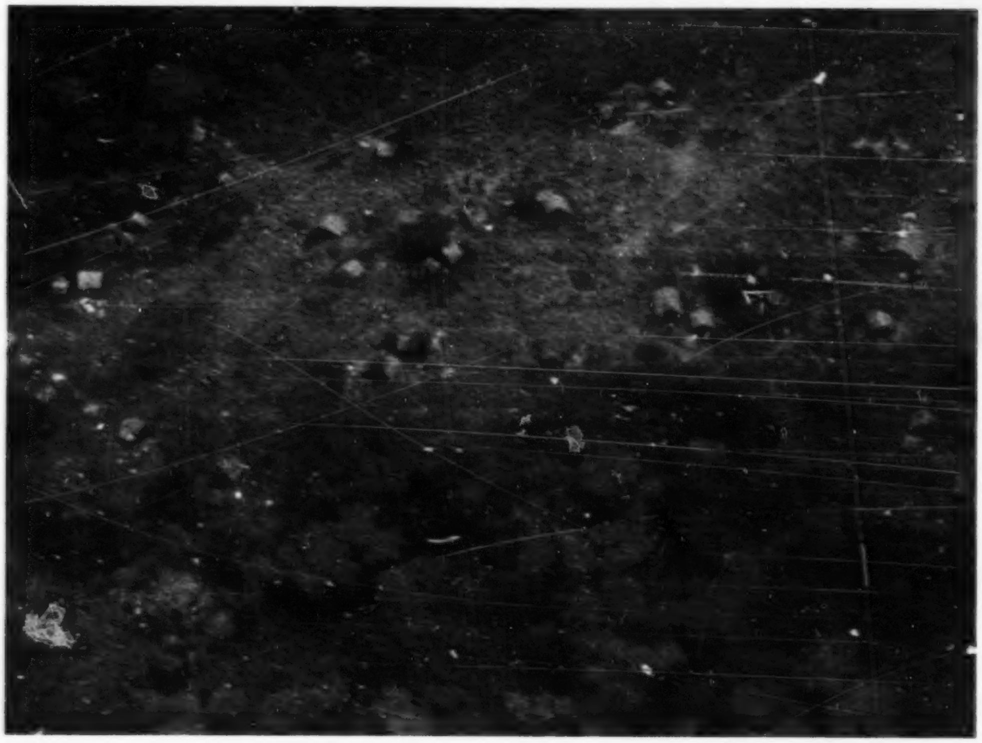
Permanent Mission of Rwanda to the United Nations

Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations

Permanent Mission of the United States of America to the United Nations

Annex 4

The principal ADF training centre at Mwalika camp

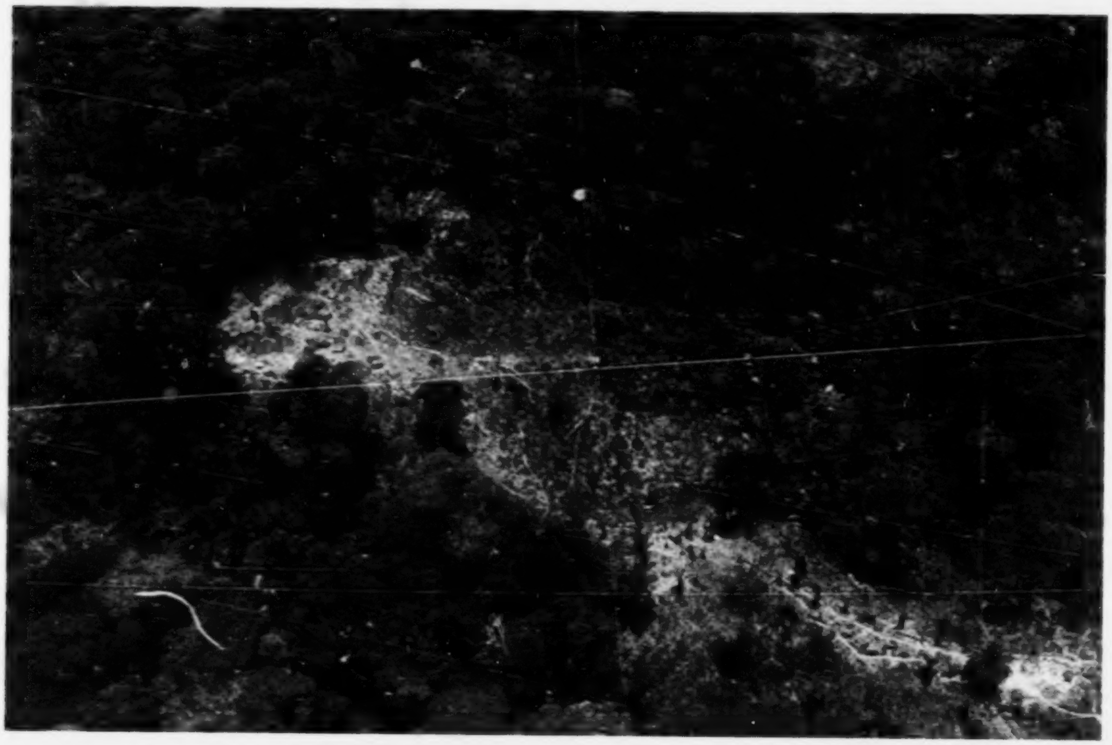


Annex 5

Semliki River in Beni territory, North Kivu, used by ADF as a critical transport route for supplies, fishing and the arrival of recruits

Annex 6

The former headquarters of Ugandan rebel group ADF at Nadui, located east of Erengeti, Beni territory, North Kivu, which was retaken by the group after it had lost it to FARDC in 2010



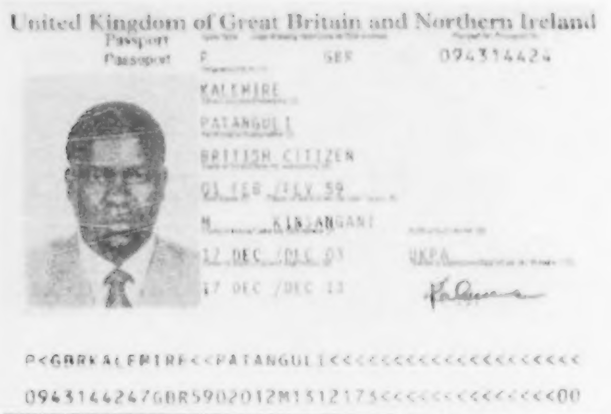
nex 7

List of known aliases used by Jamil Mukulu

1. Professor Musharaf
2. Steven Alirabaki
3. David Kyagulanyi
4. Musezi Talengelanimiro
5. Mzee Tutu
6. David Alilabaki
7. Jamil Alkyagulanyi
8. Moses Sngoba
9. Sheikh Jamil Mukulu Kyagulanyi
10. Stephen Kyagulanyi
11. Kyagulanyi Alibaki
12. Mukongozzi Sengooba Kyakonye
13. Jamil Mukuru
14. Jimmy Makulu
15. Jimmy Makilu
16. Jamil Ali Libaki
17. Abdallah Jumju
18. Ismael Rijab
19. Ismael Rajabu
20. Jjunju Abdallah
21. Julius Nicholas
22. Julius Elius
23. Kalamire Patanguli
24. Lwanga Thomas Musisi
25. Lumu Nicholas
26. Nyanzi Yafeesi Phillip
27. Kityo Denis Musoke

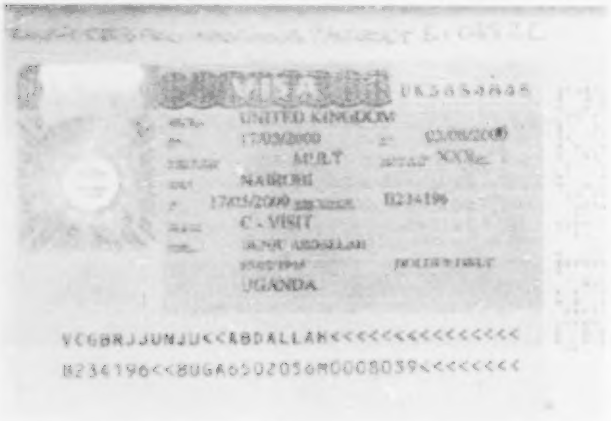
Annex 8

British passport used by Jamil Mukulu, including alleged entry stamps to the United Kingdom of Great Britain and Northern Ireland



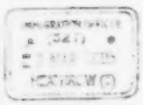
United Kingdom of Great Britain and Northern Ireland
Passport
Passeport P GBR 094314424
KALEMIRE
PATANGULI
BRITISH CITIZEN
01 FEB /FEV 59
M KINSANGANI
17 DEC /DEC 03 UKPA
17 DEC /DEC 13

P<GBRKALEMIRE<<PATANGULI<<<<<<<<<<<<<<<<<<<<
0943144247GBR5902012M1312173<<<<<<<<<<<<<<00

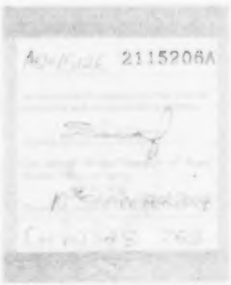


VISA UK5854848
UNITED KINGDOM
17/03/2000 03/08/2000
MULT XXX
NAIROBI
17/03/2000 B234196
C - VISIT
JJUNJU ABDALLAH
UGANDA

VCGBRJJUNJU<<ABDALLAH<<<<<<<<<<<<<<<
B234196<<8UGA6502056M0008039<<<<<<<<



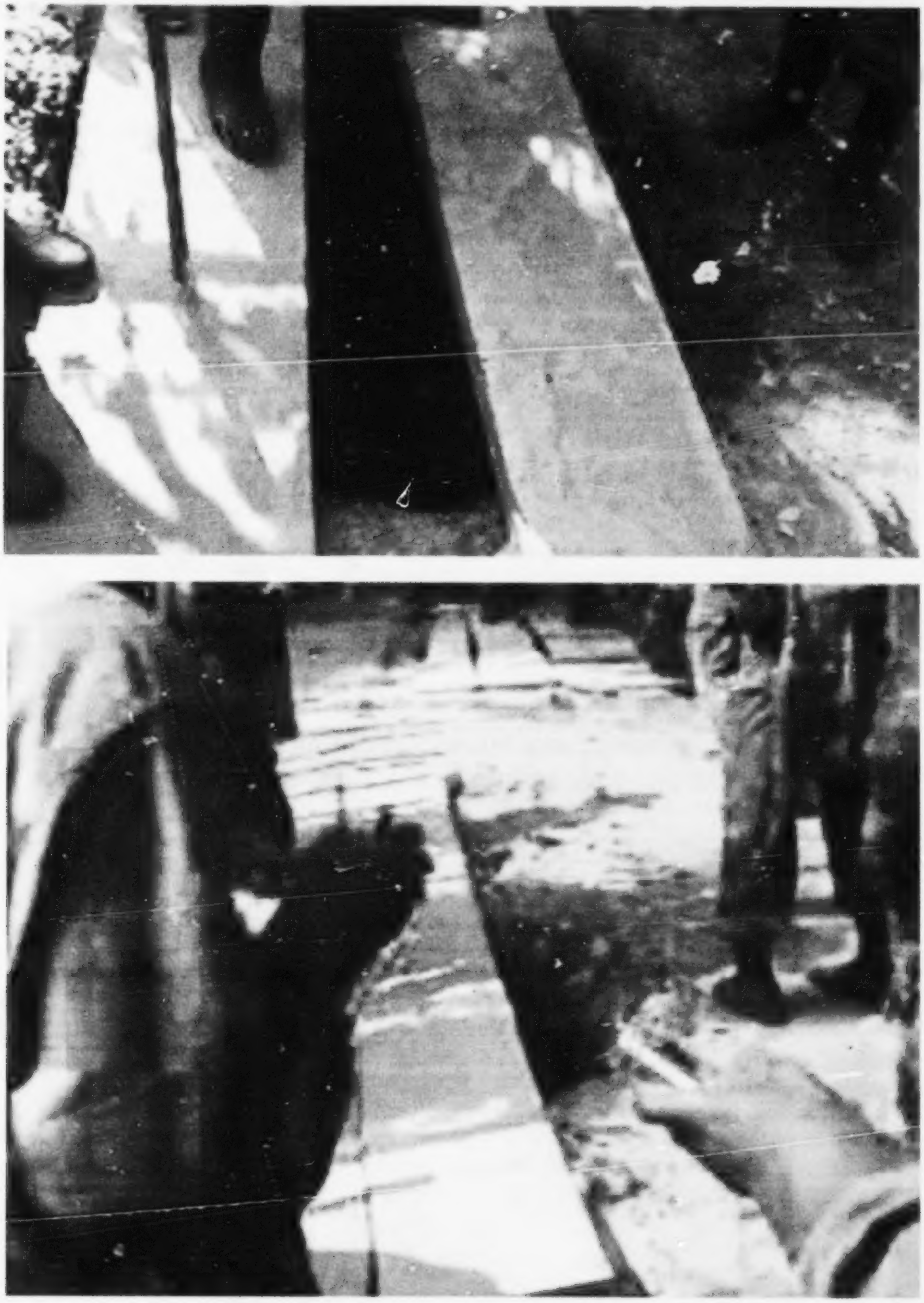
IMMIGRATION OFFICER
(347)
HEATHROW (3)



2115206A

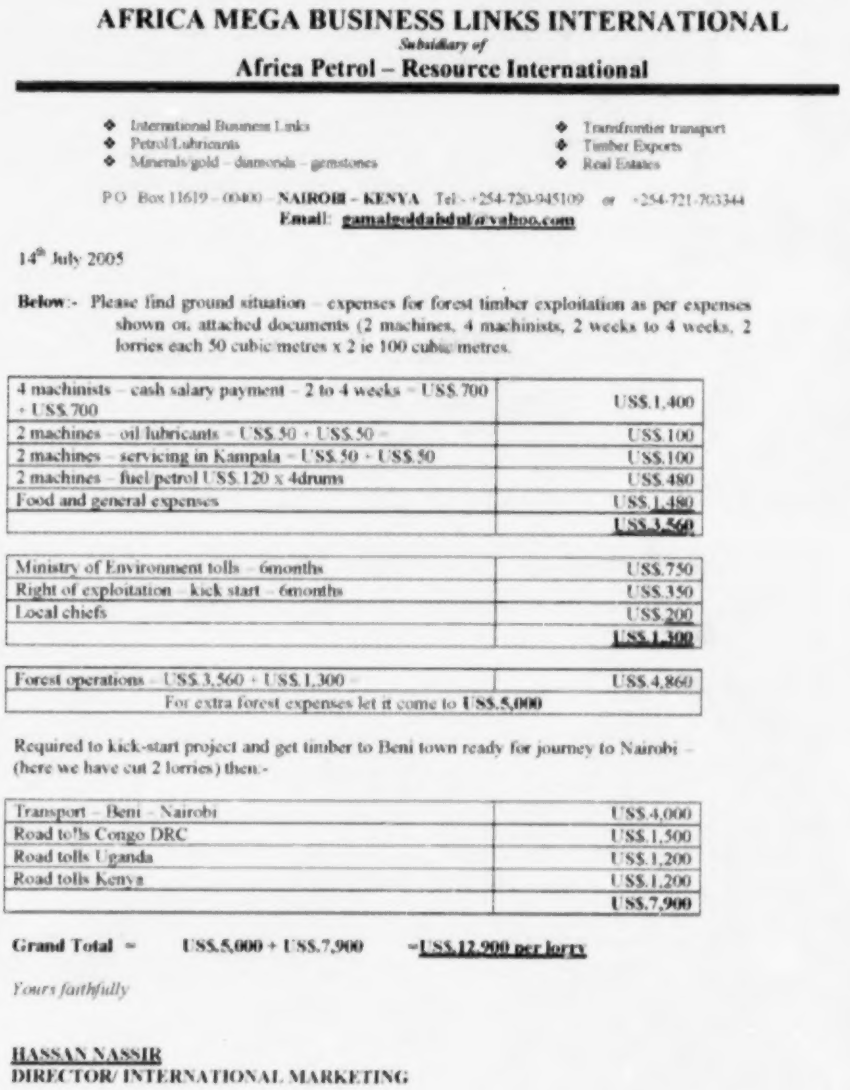
Annex 9

Underground tunnels found by FARDC in 2010 during its occupation of the ADF Nadui camp



Annex 10

Contract with Africa Mega Business Links International for export of timber from Beni to Kenya found among the possessions of Jamil Mukulu in Nairobi



AFRICA MEGA BUSINESS LINKS INTERNATIONAL
Subsidiary of
Africa Petrol – Resource International

- International Business Links
- Petrol/Lubricants
- Minerals/gold – diamonds – gemstones
- Transfrontier transport
- Timber Exports
- Real Estates

P.O. Box 11619 – 00400 – **NAIROBI – KENYA** Tel:- +254-720-945109 or +254-721-703344
Email: **gamalgoldabdul@yahoo.com**

14th July 2005

Below:- Please find ground situation – expenses for forest timber exploitation as per expenses shown on attached documents (2 machines, 4 machinists, 2 weeks to 4 weeks, 2 lorries each 50 cubic metres x 2 ie 100 cubic metres.

4 machinists – cash salary payment – 2 to 4 weeks = US$.700 + US$.700	US$.1,400
2 machines – oil lubricants = US$.50 + US$.50 =	US$.100
2 machines – servicing in Kampala = US$.50 + US$.50	US$.100
2 machines – fuel petrol US$.120 x 4drums	US$.480
Food and general expenses	US$.1,480
	US$.3,560

Ministry of Environment tolls – 6months	US$.750
Right of exploitation – kick start – 6months	US$.350
Local chiefs	US$.200
	US$.1,300

Forest operations – US$.3,560 + US$.1,300 =	US$.4,860
For extra forest expenses let it come to **US$.5,000**	

Required to kick-start project and get timber to Beni town ready for journey to Nairobi – (here we have cut 2 lorries) then:-

Transport – Beni – Nairobi	US$.4,000
Road tolls Congo DRC	US$.1,500
Road tolls Uganda	US$.1,200
Road tolls Kenya	US$.1,200
	US$.7,900

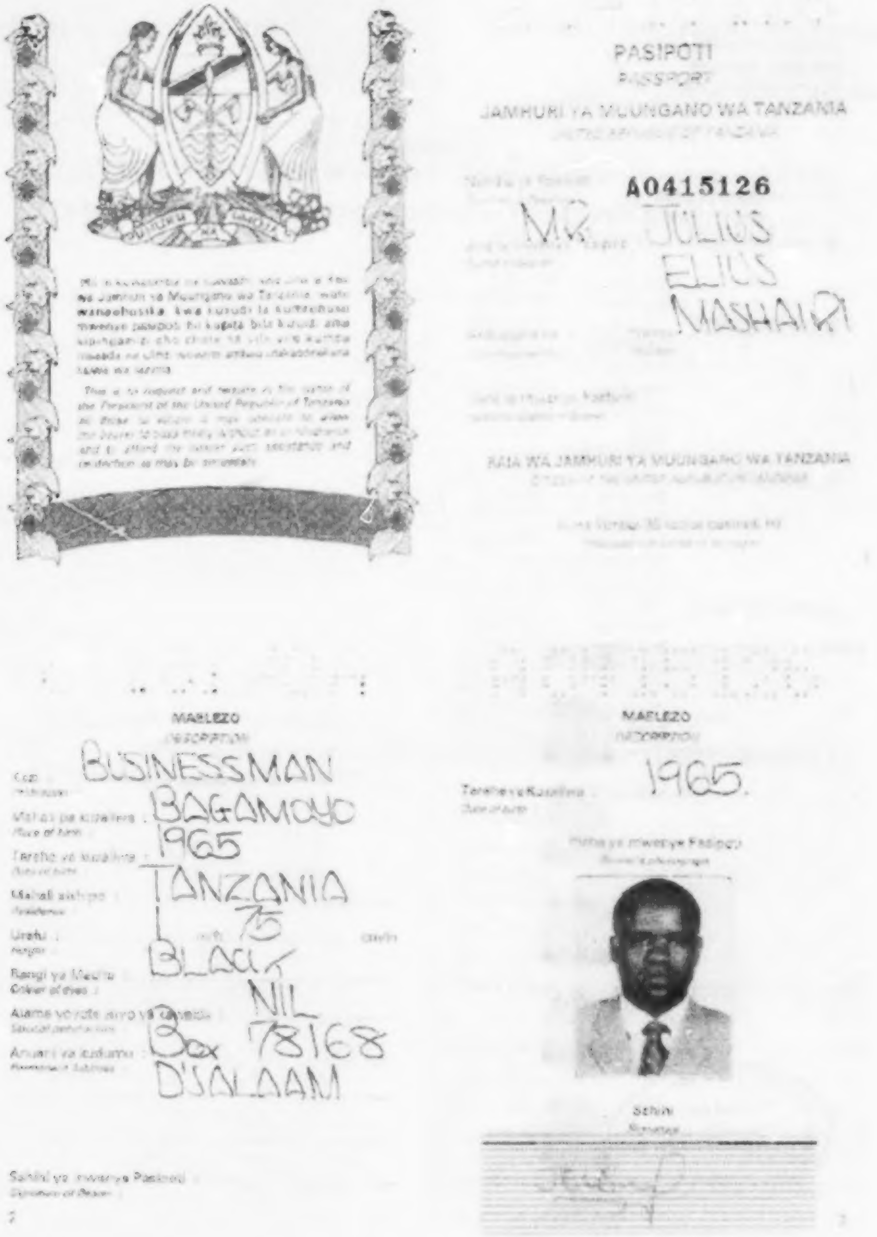
Grand Total = **US$.5,000 + US$.7,900** **=US$.12,900 per lorry**

Yours faithfully

HASSAN NASSIR
DIRECTOR/ INTERNATIONAL MARKETING

Annex 11

Tanzanian passport used by Jamil Mukulu



This is to request and require in the name of the President of the United Republic of Tanzania all those to whom it may concern to allow the bearer to pass freely without let or hindrance and to afford the bearer such assistance and protection as may be necessary.

PASIPOTI
PASSPORT
JAMHURI YA MUUNGANO WA TANZANIA
UNITED REPUBLIC OF TANZANIA

A0415126

MR. JULIUS
ELIUS
MASHAIRI

RAIA WA JAMHURI YA MUUNGANO WA TANZANIA
CITIZEN OF THE UNITED REPUBLIC OF TANZANIA

MAELEZO
DESCRIPTION

Kazi / Profession : BUSINESSMAN
Mahali pa kuzaliwa / Place of birth : BAGAMOYO
Tarehe ya kuzaliwa / Date of birth : 1965
Mahali alipo / Residence : TANZANIA
Urefu / Height : 1 m 75 cm
Rangi ya Macho / Colour of eyes : BLACK
Alama yoyote alivyo ya pekee / Special peculiarities : NIL
Anwani ya kudumu / Permanent Address : Box 78168 D'SALAAM

Sahihi ya mwenye Pasipoti / Signature of Bearer :

2

MAELEZO
DESCRIPTION

Tarehe ya Kuzaliwa / Date of birth : 1965.

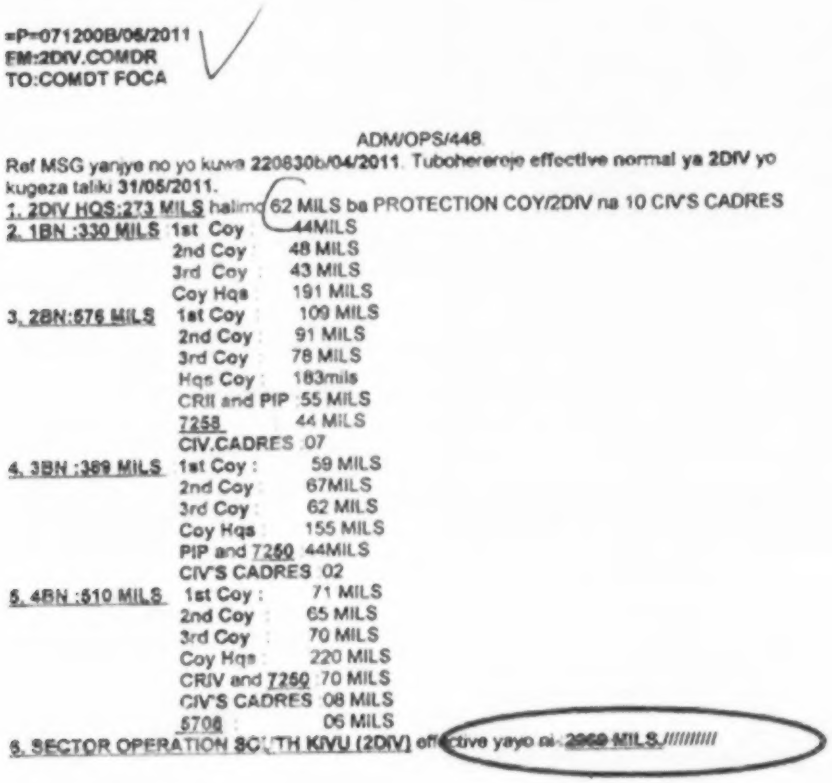
Picha ya mwenye Pasipoti
Bearer's photograph

Sahihi
Signature

3

Annex 12

Rwandan Government estimates of the number of FDLR combatants currently in South Kivu



=P=071200B/06/2011
FM:2DIV.COMDR
TO:COMDT FOCA

ADM/OPS/448.

Ref MSG yanjye no yo kuwa 220830b/04/2011. Tubohereroje effective normal ya 2DIV yo kugeza taliki 31/05/2011.

1. 2DIV HQS:273 MILS halimo 62 MILS ba PROTECTION COY/2DIV na 10 CIV'S CADRES

2. 1BN :330 MILS	1st Coy :	44MILS
	2nd Coy :	48 MILS
	3rd Coy :	43 MILS
	Coy Hqs :	191 MILS
3, 2BN:576 MILS	1st Coy :	109 MILS
	2nd Coy :	91 MILS
	3rd Coy :	78 MILS
	Hqs Coy :	183mils
	CRII and PIP :	55 MILS
	7258 :	44 MILS
	CIV.CADRES :	07
4. 3BN :389 MILS	1st Coy :	59 MILS
	2nd Coy :	67MILS
	3rd Coy :	62 MILS
	Coy Hqs :	155 MILS
	PIP and 7250 :	44MILS
	CIV'S CADRES :	02
5. 4BN :510 MILS	1st Coy :	71 MILS
	2nd Coy :	65 MILS
	3rd Coy :	70 MILS
	Coy Hqs :	220 MILS
	CRIV and 7250 :	70 MILS
	CIV'S CADRES :	08 MILS
	5708 :	06 MILS

6. SECTOR OPERATION SOUTH KIVU (2DIV) effective yayo ni : 2969 MILS.//////////

Annex 13

Satellite telephone calls made by the top FDLR commander and his deputy over a six-month period in 2011

Sylvestre Mudacumura

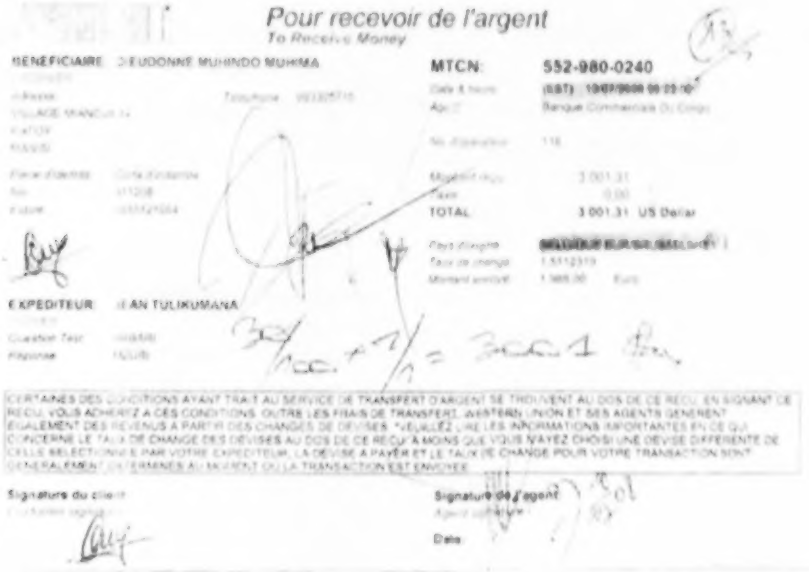
Called	Duration
Thuraya	524
Thuraya	519
Thuraya	493
Thuraya	447
Belgium	255
Democratic Republic of the Congo	168
Thuraya	142
Thuraya	60
Belgium	33
Democratic Republic of the Congo	20
Democratic Republic of the Congo	18
Thuraya	8
Thuraya	7
Thuraya	4
Thuraya	3

Stanislas “Bigaruka” Nzeyimana

Called	Duration
Kenya	1694
Democratic Republic of the Congo	1324
Thuraya	1220
Kenya	628
Belgium	463
Norway	437
Democratic Republic of the Congo	402
Thuraya	227
Democratic Republic of the Congo	183
Kenya	135
Democratic Republic of the Congo	113
Democratic Republic of the Congo	106
Thuraya	99
Democratic Republic of the Congo	94
Democratic Republic of the Congo	88
Democratic Republic of the Congo	74
Democratic Republic of the Congo	49
Democratic Republic of the Congo	36
Democratic Republic of the Congo	29
Congo	22
Thuraya	16
Democratic Republic of the Congo	9
Thuraya	6

Annex 14

One example of Western Union money transfers allegedly made by associates of Victoire Ingabire to Noel Habiyaremye and Tharcisse Nditurende



Pour recevoir de l'argent
To Receive Money

BENEFICIAIRE DIEUDONNE MUHINDO MUHIMA

VILLAGE MANGUA IV

MTCN: 552-980-0240

Banque Commerciale Du Congo

No. d'opération 116

TOTAL 3 001.31 US Dollar

Pays d'origine [redacted]

EXPEDITEUR JEAN TULIKUMANA

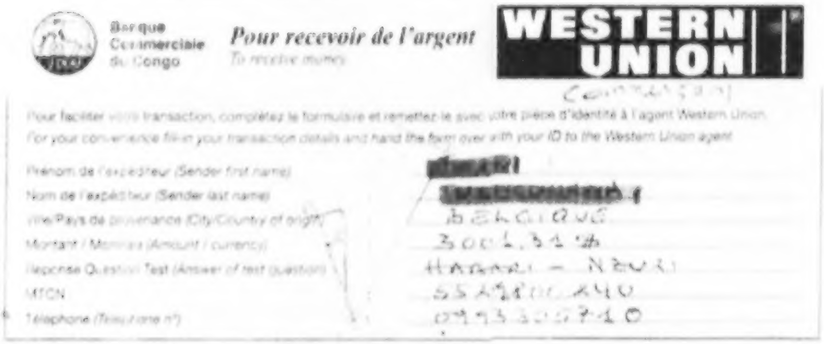
3001/100 × 1/1 = 3001

CERTAINES DES CONDITIONS AYANT TRAIT AU SERVICE DE TRANSFERT D'ARGENT SE TROUVENT AU DOS DE CE RECU. EN SIGNANT CE RECU, VOUS ADHEREZ A CES CONDITIONS. OUTRE LES FRAIS DE TRANSFERT, WESTERN UNION ET SES AGENTS GENERENT EGALEMENT DES REVENUS A PARTIR DES CHANGES DE DEVISES. *VEUILLEZ LIRE LES INFORMATIONS IMPORTANTES EN CE QUI CONCERNE LE TAUX DE CHANGE DES DEVISES AU DOS DE CE RECU A MOINS QUE VOUS N'AYEZ CHOISI UNE DEVISE DIFFERENTE DE CELLE SELECTIONNEE PAR VOTRE EXPEDITEUR, LA DEVISE A PAYER ET LE TAUX DE CHANGE POUR VOTRE TRANSACTION SONT GENERALEMENT DETERMINES AU MOMENT OU LA TRANSACTION EST ENVOYEE.

Signature du client
Customer signature

Signature de l'agent
Agent signature

Date



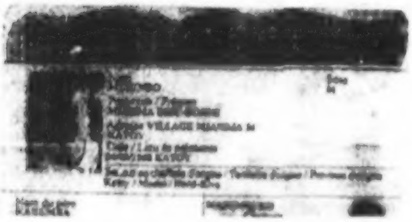
Banque Commerciale du Congo

Pour recevoir de l'argent
To receive money

WESTERN UNION

Pour faciliter votre transaction, complétez le formulaire et remettez-le avec votre pièce d'identité à l'agent Western Union.
For your convenience fill-in your transaction details and hand the form over with your ID to the Western Union agent

Prénom de l'expéditeur (Sender first name) [redacted]
Nom de l'expéditeur (Sender last name) [redacted]
Ville/Pays de provenance (City/Country of origin) BELGIQUE
Montant / Monnaie (Amount / currency) 3001,31 $
Réponse Question Test (Answer of test question) HARARI – NDUKI
MTCN 5529800240
Téléphone (Téléphone n°) 0993300710



[redacted]

Annex 15

Table showing profit margins achieved by FDLR commercial actors by buying diverse merchandise in the Mutongo market and selling it in remote gold mines of Walikale territory[a]

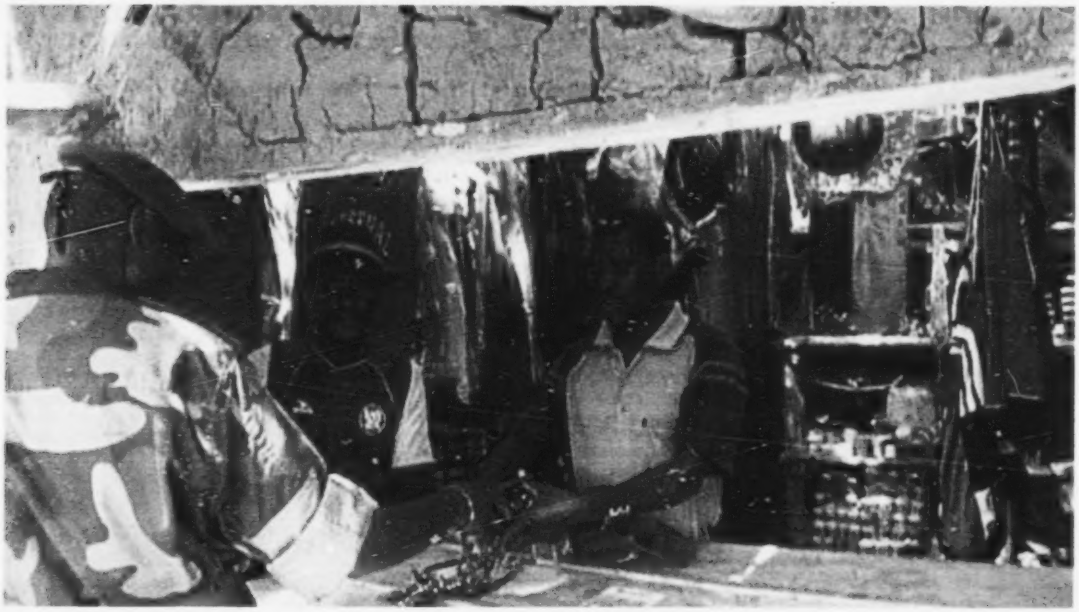
Item	*Price in Mutongo*	*Price in mining areas*
25 kg of rice	$20	$45 = 1 gram of gold
Carton of batteries	$60	$90 = 2 grams of gold
Cartons of soap	$30	$60 =1.5 grams of gold
3 metal sheetings	$15	$45 =1 gram of gold
3 jackets	$15	$45 =1 gram of gold
Running suit	$15	$45 =1 gram of gold
Pots and plates	$8	$45 =1 gram of gold
Radio	$15	$45 =1 gram of gold
Trousers	$8	$45 =1 gram of gold

---

[a] Prices of a gram of gold may vary, depending on the measuring instruments of each market or mine.

Annex 16

One of the FDLR-owned shops in the remote village of Maniema (near Mutongo), Walikale territory, which are always fully stocked with Ugandan goods and are powered by solar panels



Annex 17

Mobile telephone call log summary for a number belonging to FDLR Montana battalion commander "Lieutenant Colonel" Evariste "Sadiki" Kwanzeguhera, 19 May to 19 September 2011[a]

Country code of other number	*Number of communications*
Democratic Republic of the Congo	2 940
Uganda	427
Rwanda	162
France	159
United States of America	31
Norway	19
Sweden	13
Belgium	12
United Republic of Tanzania	10
Malta	7
Kenya	3
Congo	2

---

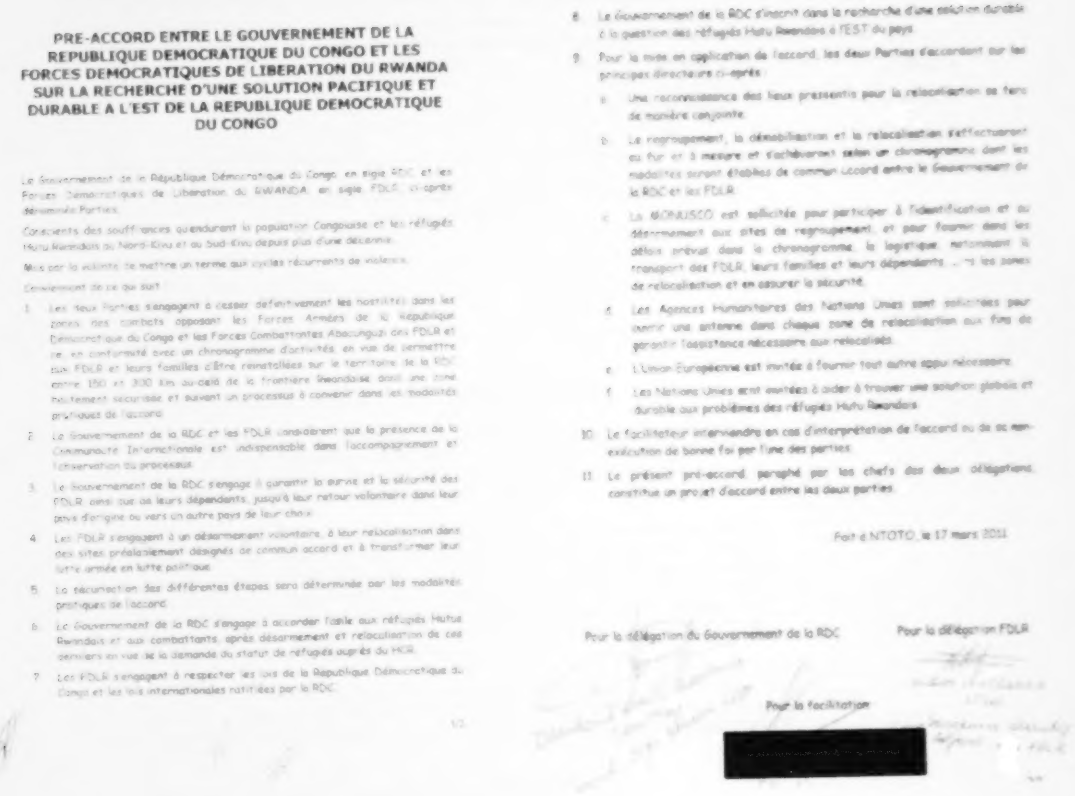
[a] Communications occurred via text messages or telephone calls.

Annex 18

Sacks of cannabis trafficked by FDLR in collusion with local Mai Mai groups in the Ruzizi Plain and FARDC collaborators

Annex 19

Preliminary agreement on relocation between FDLR and FARDC



PRE-ACCORD ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO ET LES FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA SUR LA RECHERCHE D'UNE SOLUTION PACIFIQUE ET DURABLE A L'EST DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO

Le Gouvernement de la République Démocratique du Congo, en sigle RDC, et les Forces Démocratiques de Libération du RWANDA, en sigle FDLR, ci-après dénommés Parties,

Conscients des souffrances qu'endurent la population Congolaise et les réfugiés Hutu Rwandais au Nord-Kivu et au Sud-Kivu depuis plus d'une décennie,

Mus par la volonté de mettre un terme aux cycles récurrents de violence,

Conviennent de ce qui suit :

1. Les deux Parties s'engagent à cesser définitivement les hostilités dans les zones des combats opposant les Forces Armées de la République Démocratique du Congo et les Forces Combattantes Abacunguzi des FDLR et ce, en conformité avec un chronogramme d'activités, en vue de permettre aux FDLR et leurs familles d'être réinstallées sur le territoire de la RDC entre 150 et 300 Km au-delà de la frontière Rwandaise dans une zone hautement sécurisée et suivant un processus à convenir dans les modalités pratiques de l'accord.
2. Le Gouvernement de la RDC et les FDLR considèrent que la présence de la Communauté Internationale est indispensable dans l'accompagnement et l'observation du processus.
3. Le Gouvernement de la RDC s'engage à garantir la survie et la sécurité des FDLR ainsi que de leurs dépendants, jusqu'à leur retour volontaire dans leur pays d'origine ou vers un autre pays de leur choix.
4. Les FDLR s'engagent à un désarmement volontaire, à leur relocalisation dans des sites préalablement désignés de commun accord et à transformer leur lutte armée en lutte politique.
5. La séquence des différentes étapes sera déterminée par les modalités pratiques de l'accord.
6. Le Gouvernement de la RDC s'engage à accorder l'asile aux réfugiés Hutus Rwandais et aux combattants, après désarmement et relocalisation de ces derniers en vue de la demande du statut de réfugiés auprès du HCR.
7. Les FDLR s'engagent à respecter les lois de la République Démocratique du Congo et les lois internationales ratifiées par la RDC.

1/2

8. Le Gouvernement de la RDC s'inscrit dans la recherche d'une solution durable à la question des réfugiés Hutu Rwandais à l'EST du pays.
9. Pour la mise en application de l'accord, les deux Parties s'accordent sur les principes directeurs ci-après :
   a. Une reconnaissance des lieux pressentis pour la relocalisation se fera de manière conjointe.
   b. Le regroupement, la démobilisation et la relocalisation s'effectueront au fur et à mesure et s'achèveront selon un chronogramme dont les modalités seront établies de commun accord entre le Gouvernement de la RDC et les FDLR.
   c. La MONUSCO est sollicitée pour participer à l'identification et au désarmement aux sites de regroupement, et pour fournir dans les délais prévus dans le chronogramme, la logistique, notamment le transport des FDLR, leurs familles et leurs dépendants, vers les zones de relocalisation et en assurer la sécurité.
   d. Les Agences Humanitaires des Nations Unies sont sollicitées pour ouvrir une antenne dans chaque zone de relocalisation aux fins de garantir l'assistance nécessaire aux relocalisés.
   e. L'Union Européenne est invitée à fournir tout autre appui nécessaire.
   f. Les Nations Unies sont invitées à aider à trouver une solution globale et durable aux problèmes des réfugiés Hutu Rwandais.
10. Le facilitateur interviendra en cas d'interprétation de l'accord ou de sa non-exécution de bonne foi par l'une des parties.
11. Le présent pré-accord, paraphé par les chefs des deux délégations, constitue un projet d'accord entre les deux parties.

Fait à NTOTO, le 17 mars 2011

Pour la délégation du Gouvernement de la RDC

Pour la délégation FDLR

Pour la facilitation

[redacted]

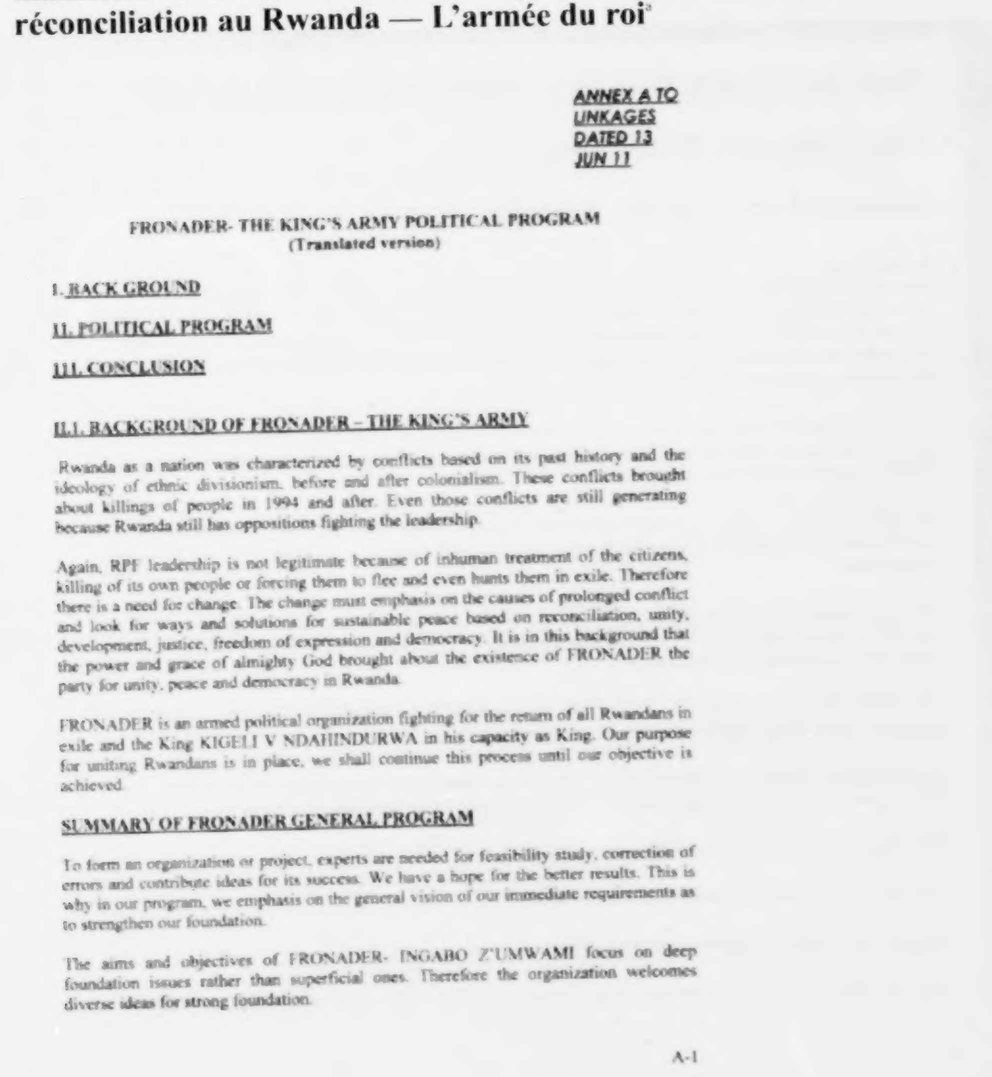
Annex 20

Rwandan Government statistics on grenade attacks carried out in Rwanda between December 2009 and March 2011

Province	*Number of attacks*	*Number of persons killed*	*Number of persons injured*
Kigali	13	14	206
Southern	5	0	13
Total	18	14	219

Annex 21

Rwandan Government translation of the first page of the manifesto of the Front nationaliste pour la démocratie et la réconciliation au Rwanda — L'armée du roi[a]



ANNEX A TO
LINKAGES
DATED 13
JUN 11

FRONADER- THE KING'S ARMY POLITICAL PROGRAM
(Translated version)

I. **BACK GROUND**

II. POLITICAL PROGRAM

III. CONCLUSION

II.1. BACKGROUND OF FRONADER – THE KING'S ARMY

Rwanda as a nation was characterized by conflicts based on its past history and the ideology of ethnic divisionism, before and after colonialism. These conflicts brought about killings of people in 1994 and after. Even those conflicts are still generating because Rwanda still has oppositions fighting the leadership.

Again, RPF leadership is not legitimate because of inhuman treatment of the citizens, killing of its own people or forcing them to flee and even hunts them in exile. Therefore there is a need for change. The change must emphasis on the causes of prolonged conflict and look for ways and solutions for sustainable peace based on reconciliation, unity, development, justice, freedom of expression and democracy. It is in this background that the power and grace of almighty God brought about the existence of FRONADER the party for unity, peace and democracy in Rwanda.

FRONADER is an armed political organization fighting for the return of all Rwandans in exile and the King KIGELI V NDAHINDURWA in his capacity as King. Our purpose for uniting Rwandans is in place, we shall continue this process until our objective is achieved.

SUMMARY OF FRONADER GENERAL PROGRAM

To form an organization or project, experts are needed for feasibility study, correction of errors and contribute ideas for its success. We have a hope for the better results. This is why in our program, we emphasis on the general vision of our immediate requirements as to strengthen our foundation.

The aims and objectives of FRONADER- INGABO Z'UMWAMI focus on deep foundation issues rather than superficial ones. Therefore the organization welcomes diverse ideas for strong foundation.

A-1

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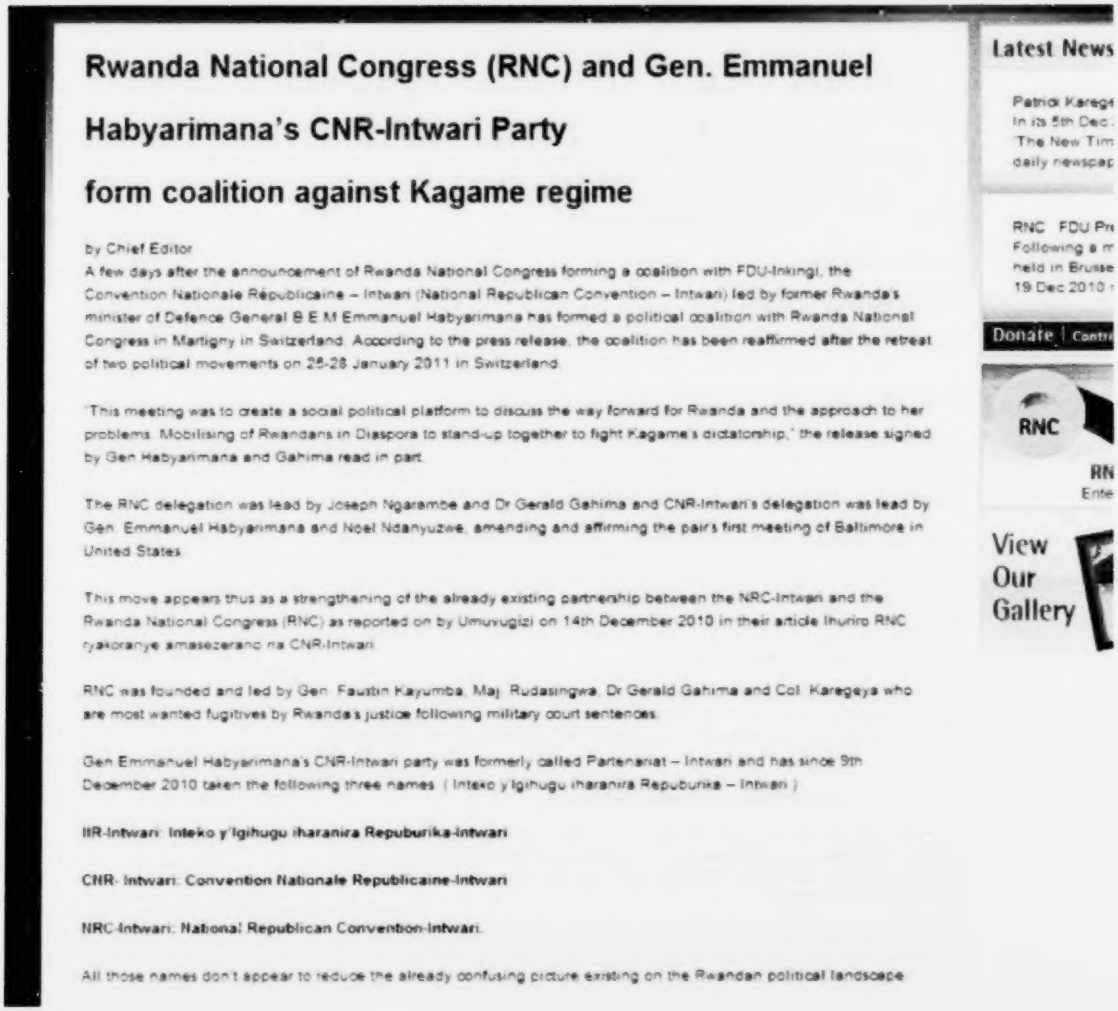
[a] The document was obtained through "Colonel" Norbert "Gaheza" Ndererimana, following his arrest in Kigali on 13 June 2011.

Annex 22

Rwanda National Congress declaration of a coalition with Convention nationale républicaine — Intwari[a]



Rwanda National Congress (RNC) and Gen. Emmanuel Habyarimana's CNR-Intwari Party form coalition against Kagame regime

by Chief Editor

A few days after the announcement of Rwanda National Congress forming a coalition with FDU-Inkingi, the Convention Nationale Républicaine – Intwari (National Republican Convention – Intwari) led by former Rwanda's minister of Defence General B E M Emmanuel Habyarimana has formed a political coalition with Rwanda National Congress in Martigny in Switzerland. According to the press release, the coalition has been reaffirmed after the retreat of two political movements on 25-28 January 2011 in Switzerland.

"This meeting was to create a social political platform to discuss the way forward for Rwanda and the approach to her problems. Mobilising of Rwandans in Diaspora to stand-up together to fight Kagame's dictatorship," the release signed by Gen Habyarimana and Gahima read in part.

The RNC delegation was lead by Joseph Ngarambe and Dr Gerald Gahima and CNR-Intwari's delegation was lead by Gen. Emmanuel Habyarimana and Noel Ndanyuzwe, amending and affirming the pair's first meeting of Baltimore in United States.

This move appears thus as a strengthening of the already existing partnership between the NRC-Intwari and the Rwanda National Congress (RNC) as reported on by Umuvugizi on 14th December 2010 in their article Ihuriro RNC ryakoranye amasezerano na CNR-Intwari.

RNC was founded and led by Gen. Faustin Kayumba, Maj. Rudasingwa, Dr Gerald Gahima and Col. Karegeya who are most wanted fugitives by Rwanda's justice following military court sentences.

Gen Emmanuel Habyarimana's CNR-Intwari party was formerly called Partenariat – Intwari and has since 9th December 2010 taken the following three names. (Inteko y'Igihugu iharanira Repuburika – Intwari)

IIR-Intwari: Inteko y'Igihugu iharanira Repuburika-Intwari

CNR- Intwari: Convention Nationale Republicaine-Intwari

NRC-Intwari: National Republican Convention-Intwari.

All those names don't appear to reduce the already confusing picture existing on the Rwandan political landscape.

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[a] Available, at the time of reporting, from the CNR website: www.rwandanationalcongress.com/rncandgen.html.

Annex 23

MoneyGram wire transfers provided to "Colonel" Norbert "Gaheza" Ndererimana, according to Gaheza and Rwandan authorities

1. On 14/09/2010, RUTAZIHANA Timothee sent $100 via MoneyGram. The money was withdrawn by UWINGABIRE Marie Claire on behalf of Gaheza at STANBIC BANK in Kampala located in NDEBA, MASAKA ROAD.

2. On 11/2010, RUTAZIHANA Timothee sent $100 via MoneyGram/STANBIC BANK in ENTEBBE town; withdrawn by MBONYI Anicet on behalf of Gaheza Norbert.

3. On 27/12/2010, HAKIZIMANA Emmanuel (Paris), on behalf of Habyarimana Emmanuel, wired 100 euros, sent via Western Union. It was withdrawn from CENTENARY BANK, situated in MUKWANO Building, opposite OWINO market in Kampala, and received by UWINGABIRE Marie Claire.

4. On 07/01/2011, RUTAZIHANA Timothee sent $100 through Western Union/Kampala, Entebbe Road, at UMEME roundabout at a bank near Orient Bank. It was received by MBONYI Anicet.

5. On 03/03/2011, HAKIZIMANA Emmanuel sent 4,280,000 Ugandan shillings via MoneyGram/Kampala, situated at Kikubo, near the old taxi park, on Mutesa Kafero road. The money was received by SIBOMANA Ramadhani.

6. On 09/05/2011, RUTAZIHANA Timothee (Canada) sent $50 via Western Union. It was withdrawn from STANBIC BANK, Kampala Road, near Buganda House, and was received by MBONYI Anicet.

7. On 09/05/2011 HAKIZIMANA Emmanuel (France) sent 300 euros via Western Union/STANBIC BANK, Kampala Road. It was received by MBONYI Anicet.

Annex 24

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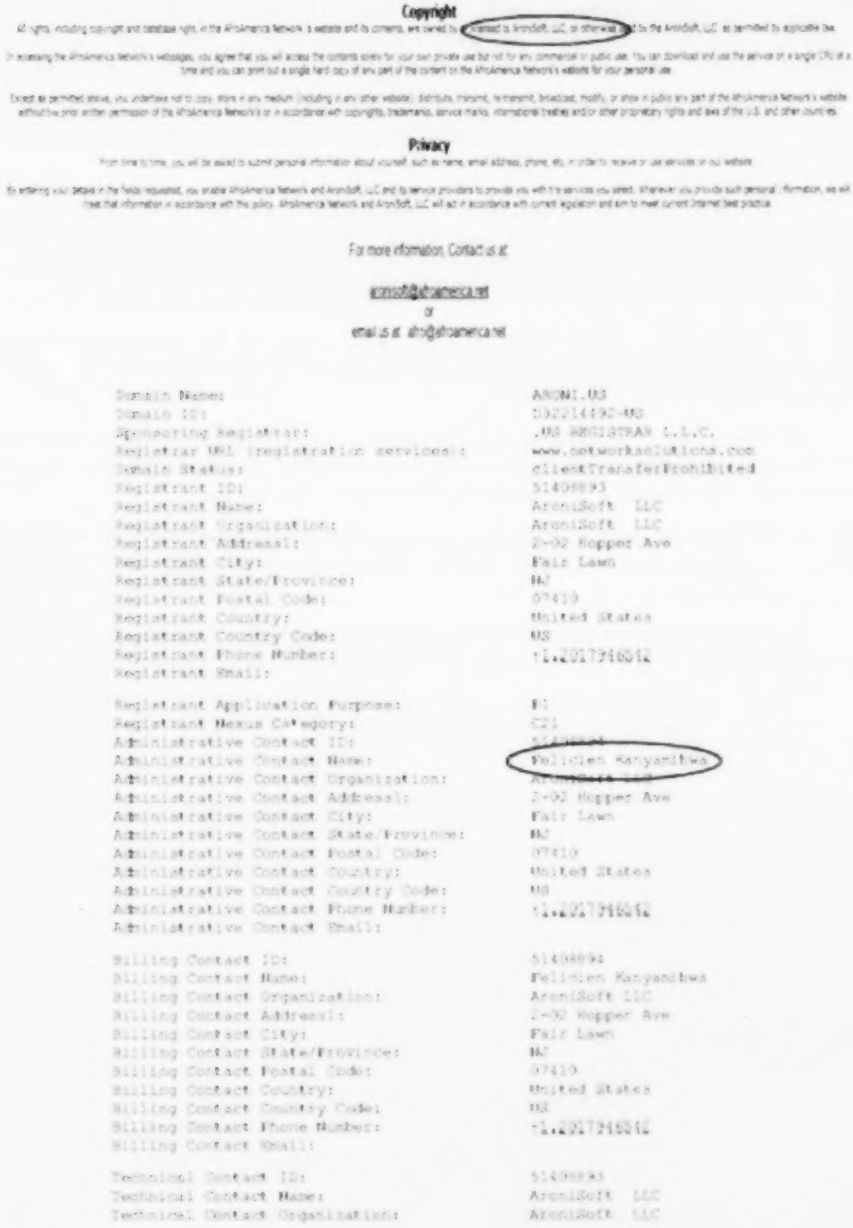

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Registrant City:                                Fair Lawn
Registrant State/Province:                      NJ
Registrant Postal Code:                         07410
Registrant Country:                             United States
Registrant Country Code:                        US
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Registrant Email:

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Billing Contact Email:

Technical Contact ID:                           51408893
Technical Contact Name:                         AroniSoft  LLC
Technical Contact Organization:                 AroniSoft  LLC
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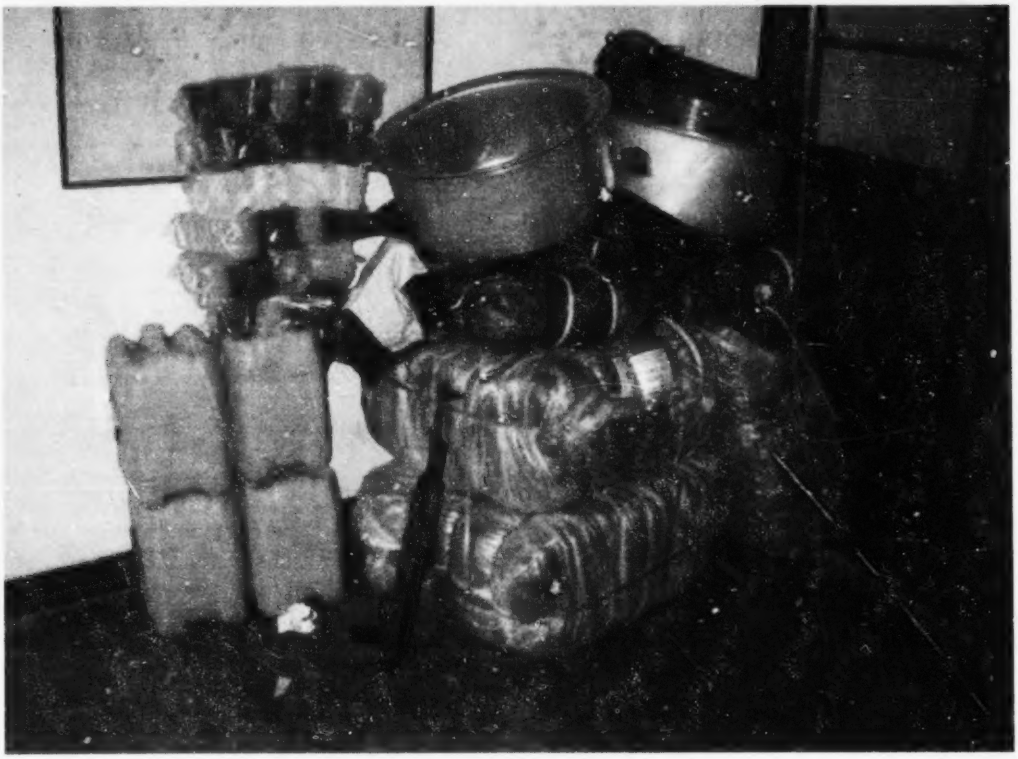
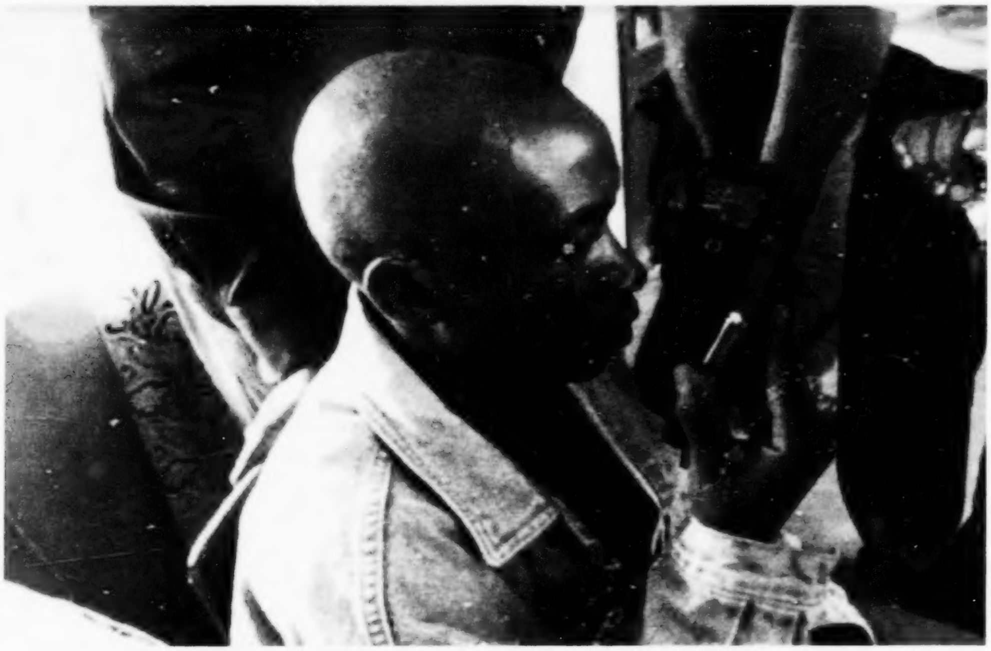
Annex 25

Articles found in the home of an FNL collaborator in Rumonge, Burundi, which were purchased in preparation for the arrival of rebels coming from South Kivu for operations within Burundi



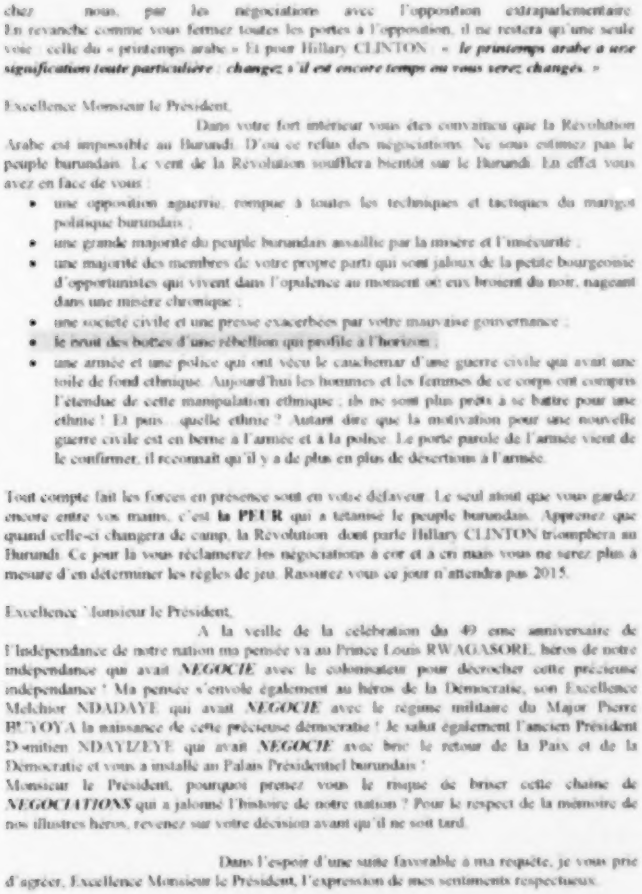
Annex 26

Photograph of Alexis Sinduhije making a telephone call, allegedly to an FNL collaborator in Rumonge, Burundi, concerning operations to prepare for the arrival of combatants from South Kivu



Annex 27

Extract from a public letter addressed to President Nkurunziza by Pancras Cimpaye on 22 June 2011, which alludes to a rebellion on the horizon



chez nous, par les négociations avec l'opposition extraparlementaire. En revanche comme vous fermez toutes les portes à l'opposition, il ne restera qu'une seule voie : celle du « printemps arabe » Et pour Hillary CLINTON : « ***le printemps arabe a une signification toute particulière : changez s'il est encore temps ou vous serez changés.*** »

Excellence Monsieur le Président,

Dans votre fort intérieur vous êtes convaincu que la Révolution Arabe est impossible au Burundi. D'où ce refus des négociations. Ne sous estimez pas le peuple burundais. Le vent de la Révolution soufflera bientôt sur le Burundi. En effet vous avez en face de vous :

- une opposition aguerrie, rompue à toutes les techniques et tactiques du marigot politique burundais ;
- une grande majorité du peuple burundais assaillie par la misère et l'insécurité ;
- une majorité des membres de votre propre parti qui sont jaloux de la petite bourgeoisie d'opportunistes qui vivent dans l'opulence au moment où eux broient du noir, nageant dans une misère chronique ;
- une société civile et une presse exacerbées par votre mauvaise gouvernance ;
- le bruit des bottes d'une rébellion qui profile à l'horizon ;
- une armée et une police qui ont vécu le cauchemar d'une guerre civile qui avait une toile de fond ethnique. Aujourd'hui les hommes et les femmes de ce corps ont compris l'étendue de cette manipulation ethnique ; ils ne sont plus prêts à se battre pour une ethnie ! Et puis... quelle ethnie ? Autant dire que la motivation pour une nouvelle guerre civile est en berne à l'armée et à la police. Le porte parole de l'armée vient de le confirmer, il reconnait qu'il y a de plus en plus de désertions à l'armée.

Tout compte fait les forces en présence sont en votre défaveur. Le seul atout que vous gardez encore entre vos mains, c'est **la PEUR** qui a tétanisé le peuple burundais. Apprenez que quand celle-ci changera de camp, la Révolution dont parle Hillary CLINTON triomphera au Burundi. Ce jour là vous réclamerez les négociations à cor et à cri mais vous ne serez plus à mesure d'en déterminer les règles de jeu. Rassurez vous ce jour n'attendra pas 2015.

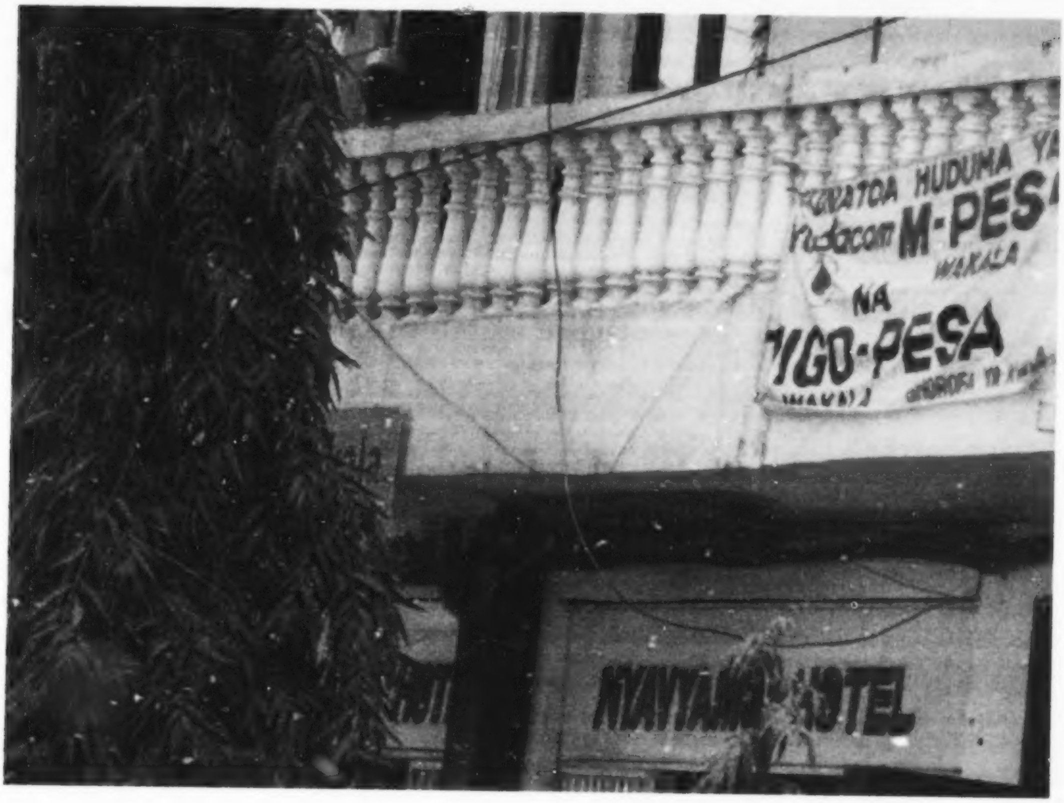
Excellence Monsieur le Président,

A la veille de la célébration du 49 eme anniversaire de l'Indépendance de notre nation ma pensée va au Prince Louis RWAGASORE, héros de notre indépendance qui avait ***NEGOCIE*** avec le colonisateur pour décrocher cette précieuse indépendance ! Ma pensée s'envole également au héros de la Démocratie, son Excellence Melchior NDADAYE qui avait ***NEGOCIE*** avec le régime militaire du Major Pierre BUYOYA la naissance de cette précieuse démocratie ! Je salut également l'ancien Président Domitien NDAYIZEYE qui avait ***NEGOCIE*** avec brio le retour de la Paix et de la Démocratie et vous a installé au Palais Présidentiel burundais !
Monsieur le Président, pourquoi prenez vous le risque de briser cette chaine de ***NEGOCIATIONS*** qui a jalonné l'histoire de notre nation ? Pour le respect de la mémoire de nos illustres héros, revenez sur votre décision avant qu'il ne soit tard.

Dans l'espoir d'une suite favorable à ma requête, je vous prie d'agréer, Excellence Monsieur le Président, l'expression de mes sentiments respectueux.

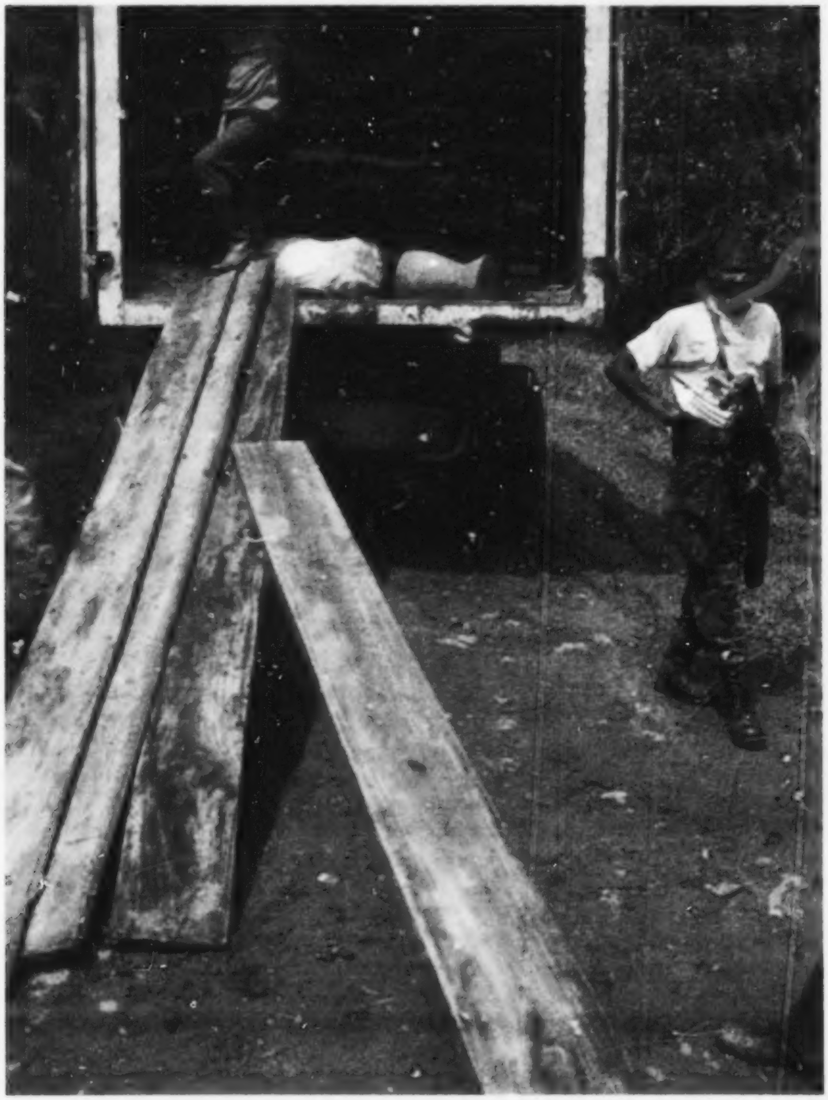
Annex 28

Nyavayamo Hotel, owned by FNL collaborator Thomas Hamenyimana, in Dar es Salaam



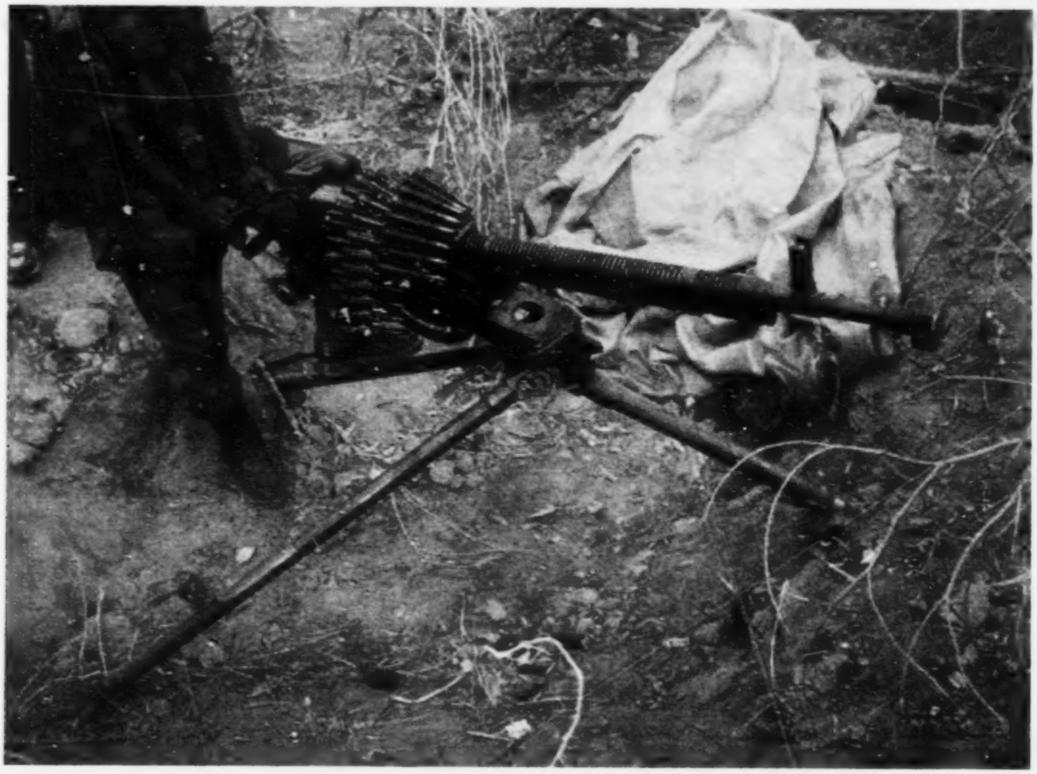
Annex 29

Examples of hardwoods extracted from the Kivus



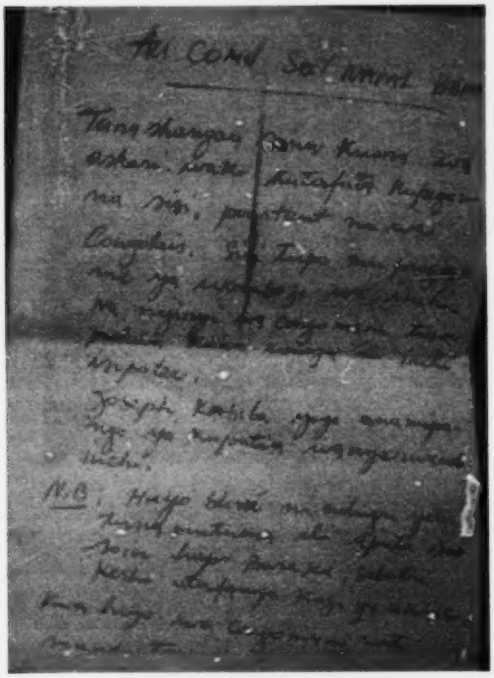
Annex 30

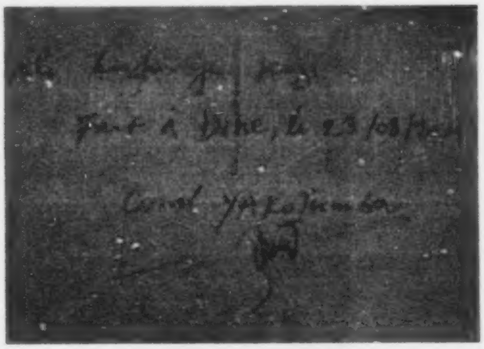
Photograph of one of three 12.7 mm machine guns which Mai Mai Yakutumba obtained through its collaboration with FNL and has mounted on motorized wooden boats



Annex 31

Letter from "General" William Amuri denouncing President Kabila's support for Rwanda and soliciting support for an injured combatant from the Baraka-based naval commander following the August operations against the rebels





Group of Experts translation:

To the Naval Commander,

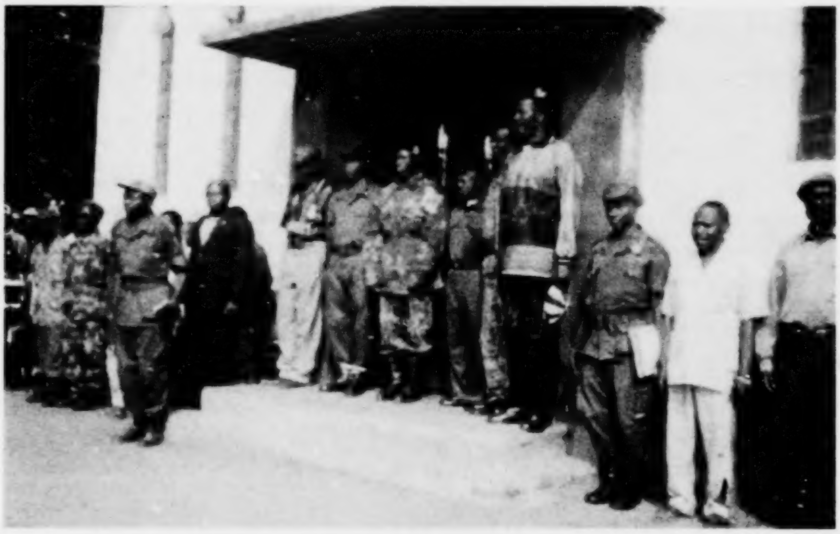
We are very surprised to see that your military wants to come and attack us although we are also Congolese and we have a wide-ranging project to liberate our country with you the Congolese. We should be united so that the country does not disappear. Joseph Kabila has ceded the country to Rwanda.

This wounded soldiers is our brother that we send to you so that he has the appropriate medical care in Baraka because tomorrow he will be working for the liberation of all the Congolese.

Commander Yakutumba

Annex 32

Photographs of General Dunia Lengwama[a] in 2004, prior to his integration into FARDC



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[a] Dunia is known as the "godfather" of all Mai Mai resistance in Fizi territory.

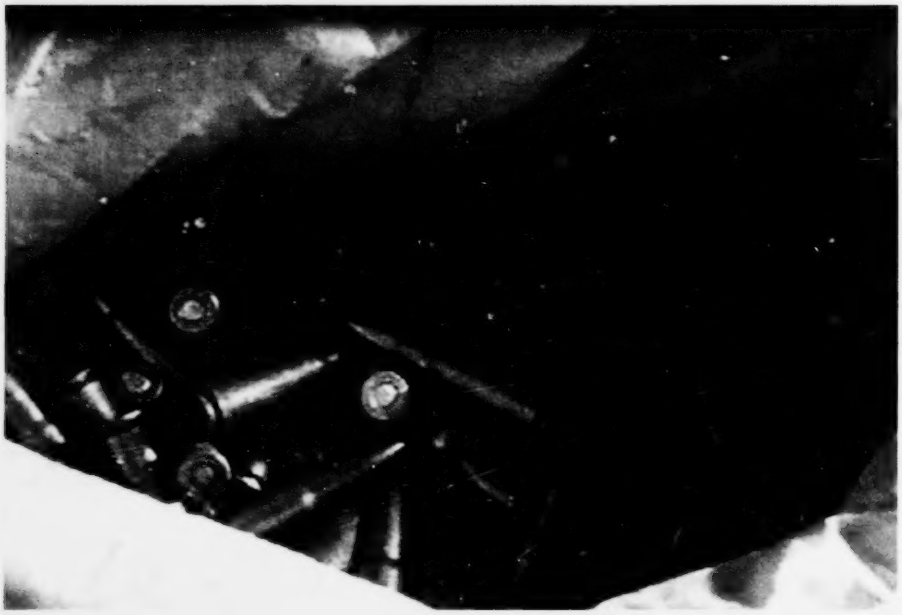
Annex 33

Record of telephone calls made between one number known to belong to General Dunia to "General" William Amuri of Mai Mai Yakutumba

Date	*Time*	*Units used*
6/15/2011	9:30:26 a.m.	495
8/4/2011	2:14:51 p.m.	60
8/4/2011	2:18:28 p.m.	193
9/10/2011	7:15:02 a.m.	120
9/2/2011	10:20:44 a.m.	372

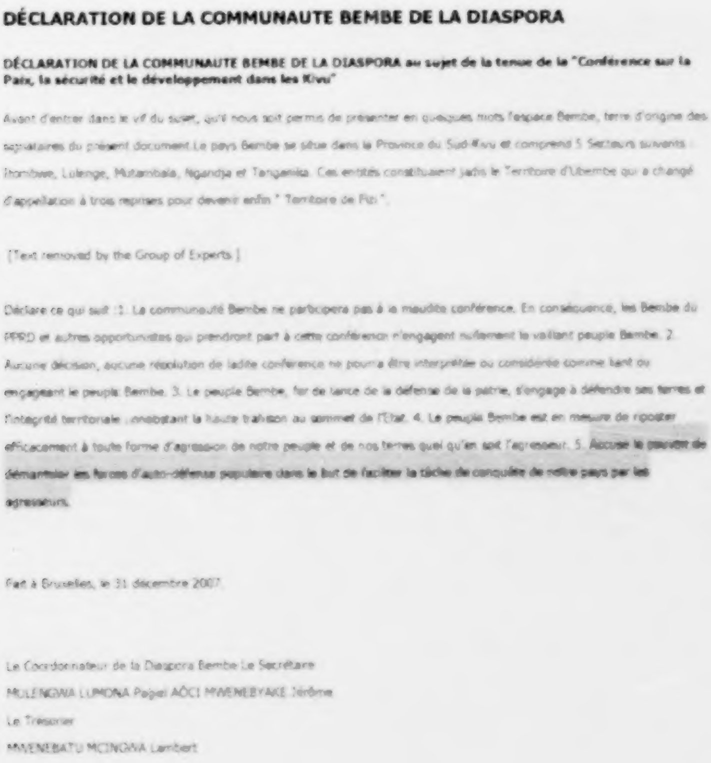
Annex 34

Photograph of 1,600 rounds of ammunition seized in December 2010 from Mai Mai Yakutumba supporter Lieutenant Faraja Mongelewa



Annex 35

Declaration by Pastor Pagiel Mulengwa, father of Jemsi Mulengwa, concerning the disarmament of self-defence forces in South Kivu



DÉCLARATION DE LA COMMUNAUTE BEMBE DE LA DIASPORA

DÉCLARATION DE LA COMMUNAUTE BEMBE DE LA DIASPORA au sujet de la tenue de la "Conférence sur la Paix, la sécurité et le développement dans les Kivu"

Avant d'entrer dans le vif du sujet, qu'il nous soit permis de présenter en quelques mots l'espace Bembe, terre d'origine des signataires du présent document.Le pays Bembe se situe dans la Province du Sud-Kivu et comprend 5 Secteurs suivants : Itombwe, Lulenge, Mutambala, Ngandja et Tanganika. Ces entités constituaient jadis le Territoire d'Ubembe qui a changé d'appellation à trois reprises pour devenir enfin " Territoire de Fizi ".

[Text removed by the Group of Experts.]

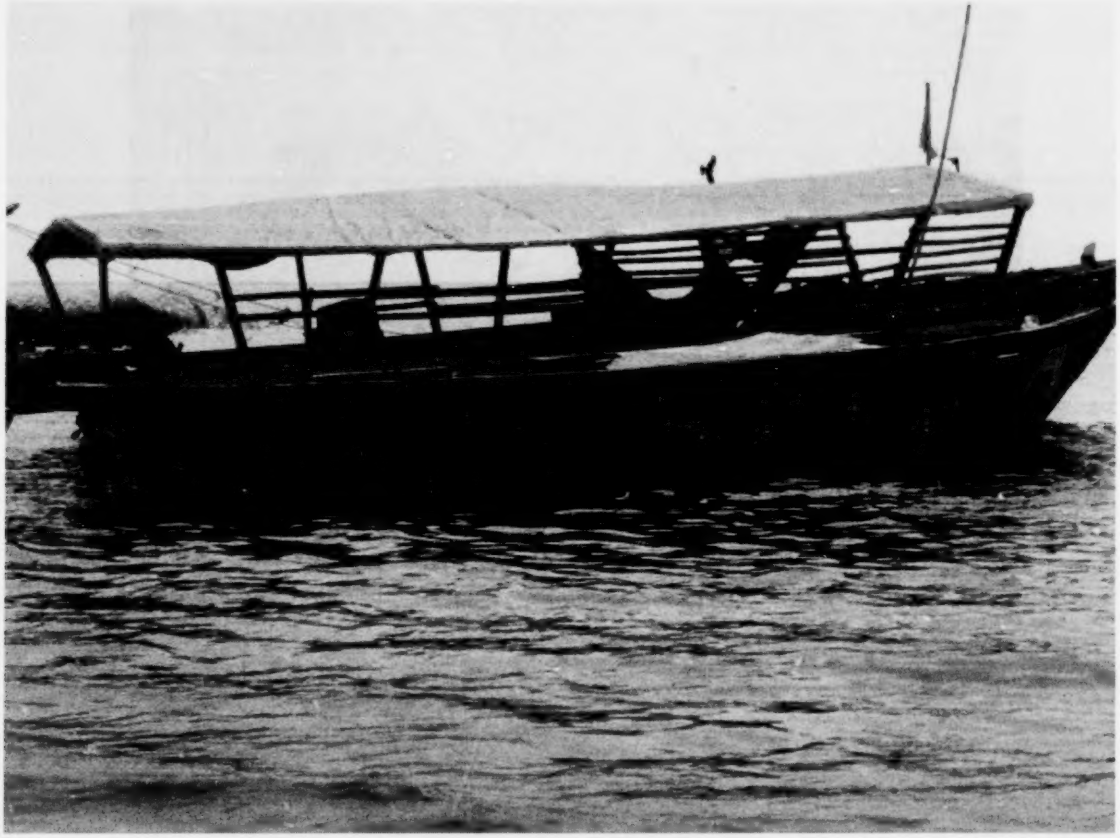
Déclare ce qui suit :1. La communauté Bembe ne participera pas à la maudite conférence. En conséquence, les Bembe du PPRD et autres opportunistes qui prendront part à cette conférence n'engagent nullement le vaillant peuple Bembe. 2. Aucune décision, aucune résolution de ladite conférence ne pourra être interprétée ou considérée comme liant ou engageant le peuple Bembe. 3. Le peuple Bembe, fer de lance de la défense de la patrie, s'engage à défendre ses terres et l'intégrité territoriale , nonobstant la haute trahison au sommet de l'Etat. 4. Le peuple Bembe est en mesure de riposter efficacement à toute forme d'agression de notre peuple et de nos terres quel qu'en soit l'agresseur. 5. **Accuse le pouvoir de démanteler les forces d'auto-défense populaire dans le but de faciliter la tâche de conquête de notre pays par les agresseurs.**

Fait à Bruxelles, le 31 décembre 2007.

Le Coordonnateur de la Diaspora Bembe Le Secrétaire
MULENGWA LUMONA Pagiel AÔCI MWENEBYAKE Jérôme
Le Trésorier
MWENEBATU MCINGWA Lambert

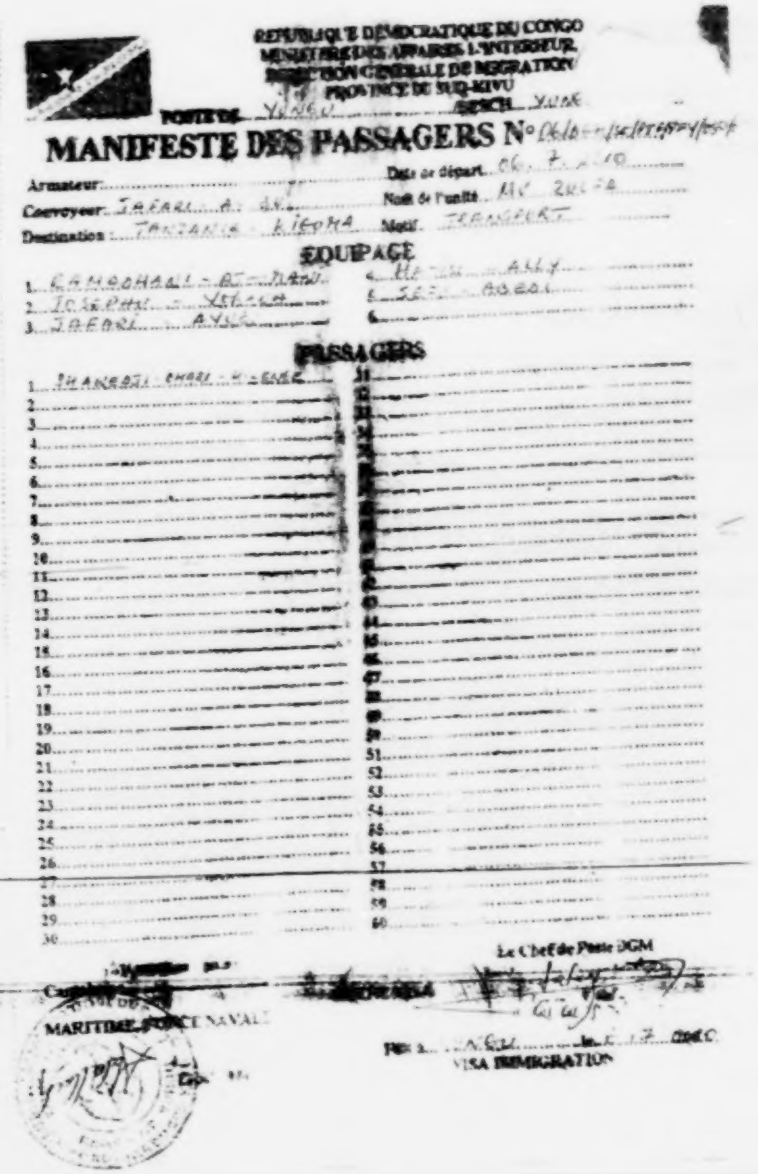
Annex 36

Boat belonging to Jemsi Mulengwa in Baraka port, used by the Mai Mai in an attack on the village of Dine in August 2011



Annex 37

Passenger manifest for Yungu, including the name of Shawedi Kaiwenge, an employee of Safaa Mining SPRL



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DES AFFAIRES L'INTERIEUR
DIRECTION GENERALE DE MIGRATION
PROVINCE DU SUD-KIVU

POSTE DE: YUNGU SECT. YUNK

MANIFESTE DES PASSAGERS N° [illegible]

Armateur: ....

Convoyeur: JAFARI A. [illegible]

Destination: TANZANIA - KIGOMA

Date de départ: 06.7.2010

Nom de l'unité: MV ZULFA

Motif: TRANSPORT

EQUIPAGE

1. RAMADHANI - [illegible]
2. JOSEPH - [illegible]
3. JAFARI AYU[illegible]
4. HA[illegible] ALLY
5. SEFU - ABEDI
6.

PASSAGERS

1. SHAWEDI [illegible] - K[illegible]

Le Chef de Poste DGM

Capitaine [illegible]

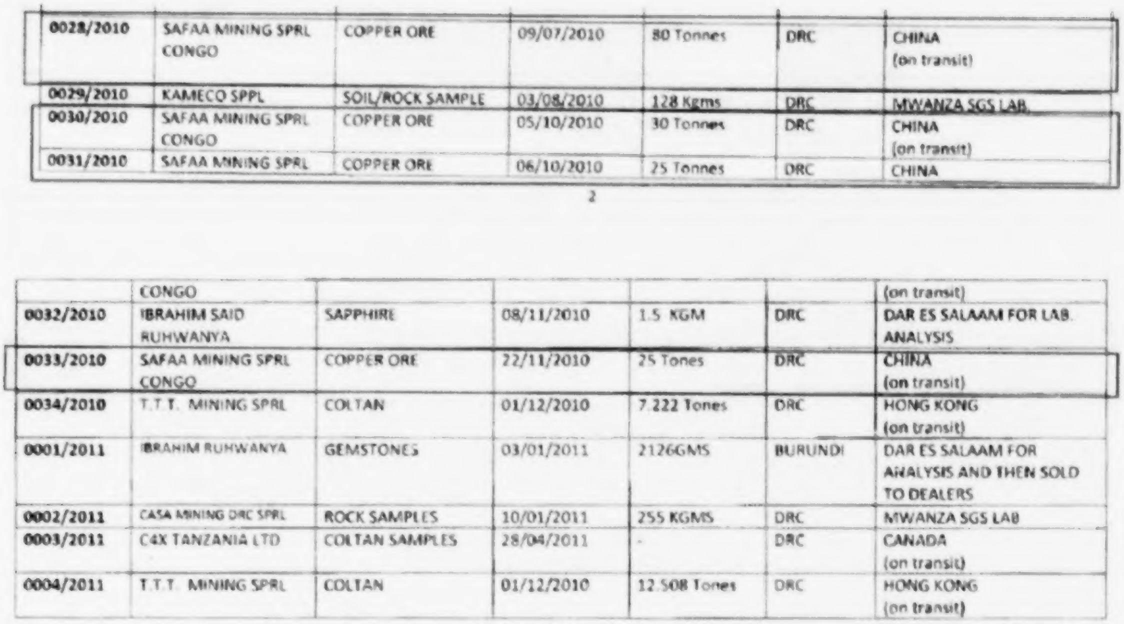
MARITIME FORCE NAVALE

Fait à YUNGU le 6.7.2010

VISA IMMIGRATION

Annex 38

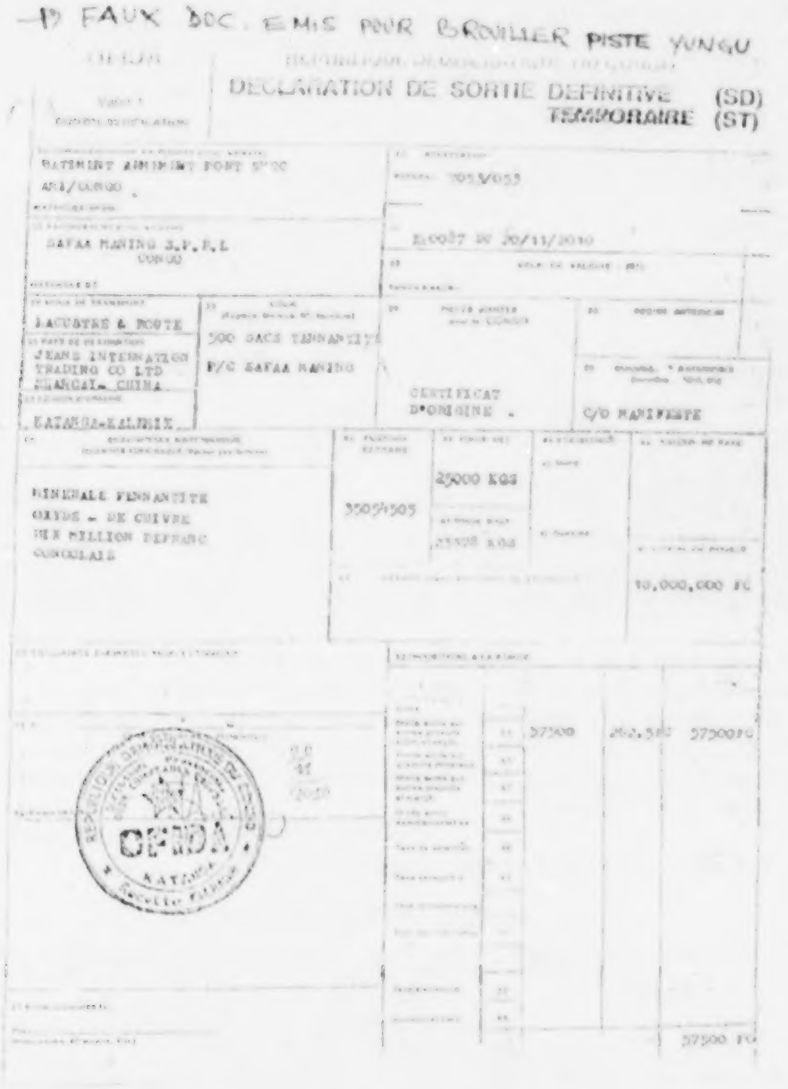
Official 2010 Tanzanian Government statistics relating to the export of copper originating from Yungu to China by Safaa Mining SPRL



0028/2010	SAFAA MINING SPRL CONGO	COPPER ORE	09/07/2010	80 Tonnes	DRC	CHINA (on transit)
0029/2010	KAMECO SPPL	SOIL/ROCK SAMPLE	03/08/2010	128 Kgms	DRC	MWANZA SGS LAB.
0030/2010	SAFAA MINING SPRL CONGO	COPPER ORE	05/10/2010	30 Tonnes	DRC	CHINA (on transit)
0031/2010	SAFAA MINING SPRL CONGO	COPPER ORE	06/10/2010	25 Tonnes	DRC	CHINA (on transit)
0032/2010	IBRAHIM SAID RUHWANYA	SAPPHIRE	08/11/2010	1.5 KGM	DRC	DAR ES SALAAM FOR LAB. ANALYSIS
0033/2010	SAFAA MINING SPRL CONGO	COPPER ORE	22/11/2010	25 Tones	DRC	CHINA (on transit)
0034/2010	T.T.T. MINING SPRL	COLTAN	01/12/2010	7.222 Tones	DRC	HONG KONG (on transit)
0001/2011	IBRAHIM RUHWANYA	GEMSTONES	03/01/2011	2126GMS	BURUNDI	DAR ES SALAAM FOR ANALYSIS AND THEN SOLD TO DEALERS
0002/2011	CASA MINING DRC SPRL	ROCK SAMPLES	10/01/2011	255 KGMS	DRC	MWANZA SGS LAB
0003/2011	C4X TANZANIA LTD	COLTAN SAMPLES	28/04/2011	-	DRC	CANADA (on transit)
0004/2011	T.T.T. MINING SPRL	COLTAN	01/12/2010	12.508 Tones	DRC	HONG KONG (on transit)

Annex 39

Safaa Mining SPRL export document declaring that the importer is Jeans International Trading Company Limited



→ FAUX DOC. EMIS POUR BROUILLER PISTE YUNGU

OFIDA

REPUBLIQUE DEMOCRATIQUE DU CONGO

DECLARATION DE SORTIE DEFINITIVE (SD)
TEMPORAIRE (ST)

BATIMENT [illegible] PONT [illegible]
[illegible]/CONGO

705/V053

E.0057 DU 20/11/2010

SAFAA MANING S.P.R.L
CONGO

LACUSTRE & ROUTE

500 SACS TENNANTITE
P/C SAFAA MANING

JEANS INTERNATION
TRADING CO LTD
SHANGAI- CHINA

CERTIFICAT
D'ORIGINE .

C/O MANIFESTE

KATANGA-KALEMIE

MINERALE TENNANTITE
OXYDE - DE CUIVRE
DIX MILLION DEFRANC
CONGOLAIS

3505/505

25000 KGS

25000 KGS

10,000,000 FC

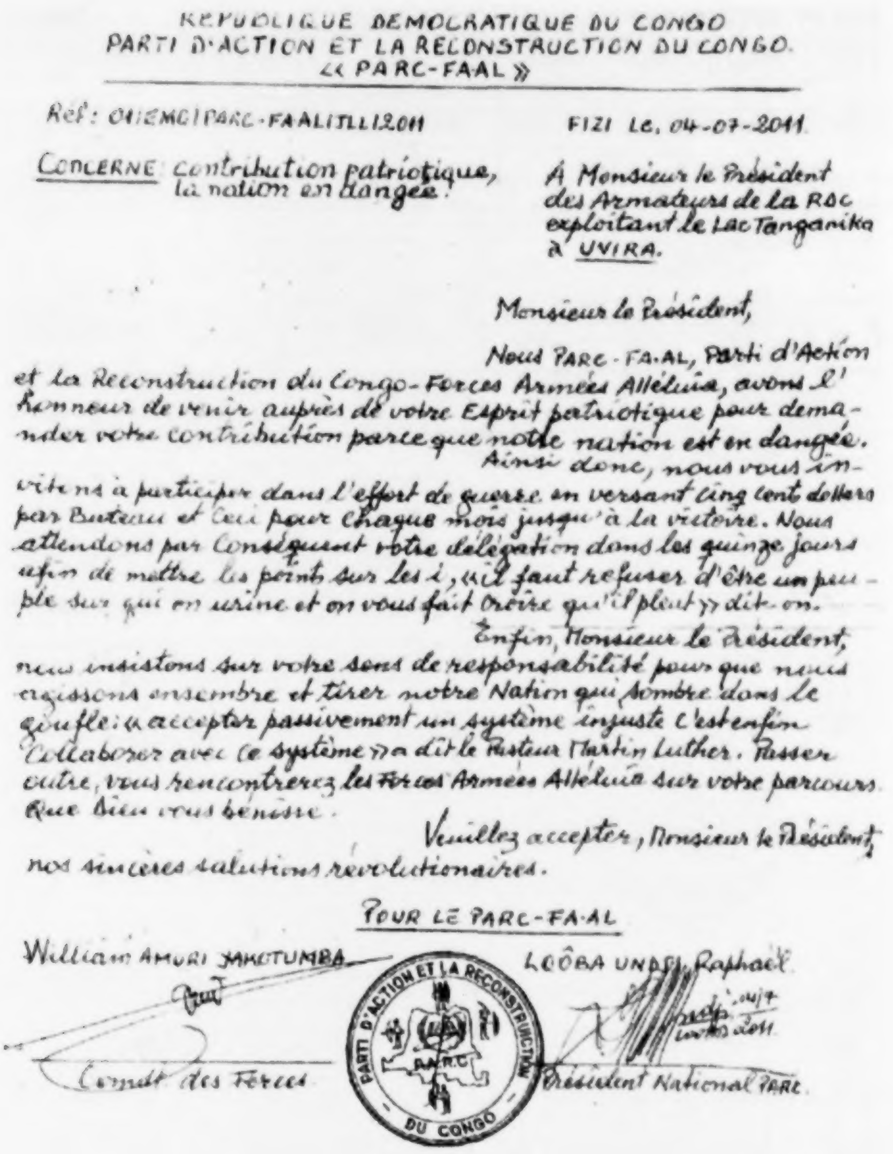
37500	262,5	37500 FC
		37500 FC

OFIDA
KATANGA

20
11
2010

Annex 40

Letter from Mai Mai Yakutumba to boat operators in Uvira regarding tax to support revolution



REPUBLIQUE DEMOCRATIQUE DU CONGO
PARTI D'ACTION ET LA RECONSTRUCTION DU CONGO.
« PARC-FAAL »

Réf : 01/EMG/PARC-FAAL/TLL/2011

FIZI le, 04-07-2011.

CONCERNE : contribution patriotique, la nation en dangée.

À Monsieur le Président
des Armateurs de la RDC
exploitant le Lac Tanganika
à UVIRA.

Monsieur le Président,

Nous PARC-FA-AL, Parti d'Action et la Reconstruction du Congo-Forces Armées Alléluia, avons l'honneur de venir auprès de votre Esprit patriotique pour demander votre contribution parce que notre nation est en dangée.

Ainsi donc, nous vous invitons à participer dans l'effort de guerre en versant cinq cent dollars par Bateau et ceci pour chaque mois jusqu'à la victoire. Nous attendons par conséquent votre délégation dans les quinze jours afin de mettre les points sur les i, « il faut refuser d'être un peuple sur qui on urine et on vous fait croire qu'il pleut » dit-on.

Enfin, Monsieur le Président, nous insistons sur votre sens de responsabilité pour que nous agissons ensembre et tirer notre Nation qui sombre dans le gouffle : « accepter passivement un système injuste c'est enfin collaborer avec ce système » a dit le Pasteur Martin Luther. Passer outre, vous rencontrerez les Forces Armées Alléluia sur votre parcours. Que Dieu vous bénisse.

Veuillez accepter, Monsieur le Président, nos sincères salutions révolutionaires.

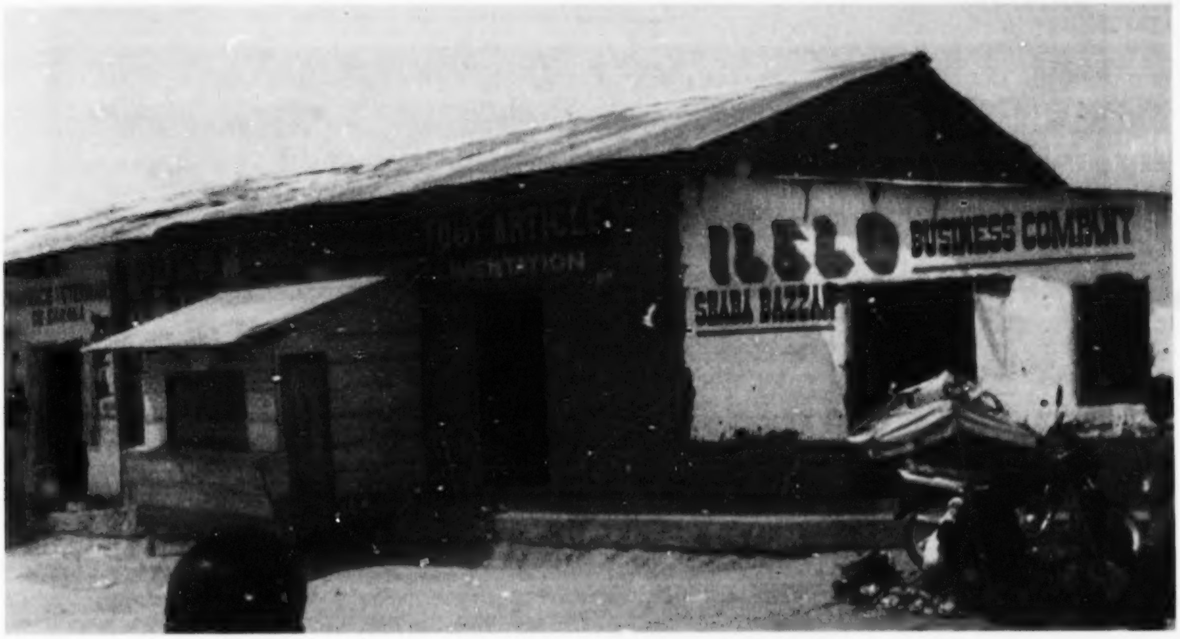
POUR LE PARC-FA-AL

William AMURI YAKUTUMBA
Comdt des Forces

LOÔBA UNDJI Raphaël
Président National PARC

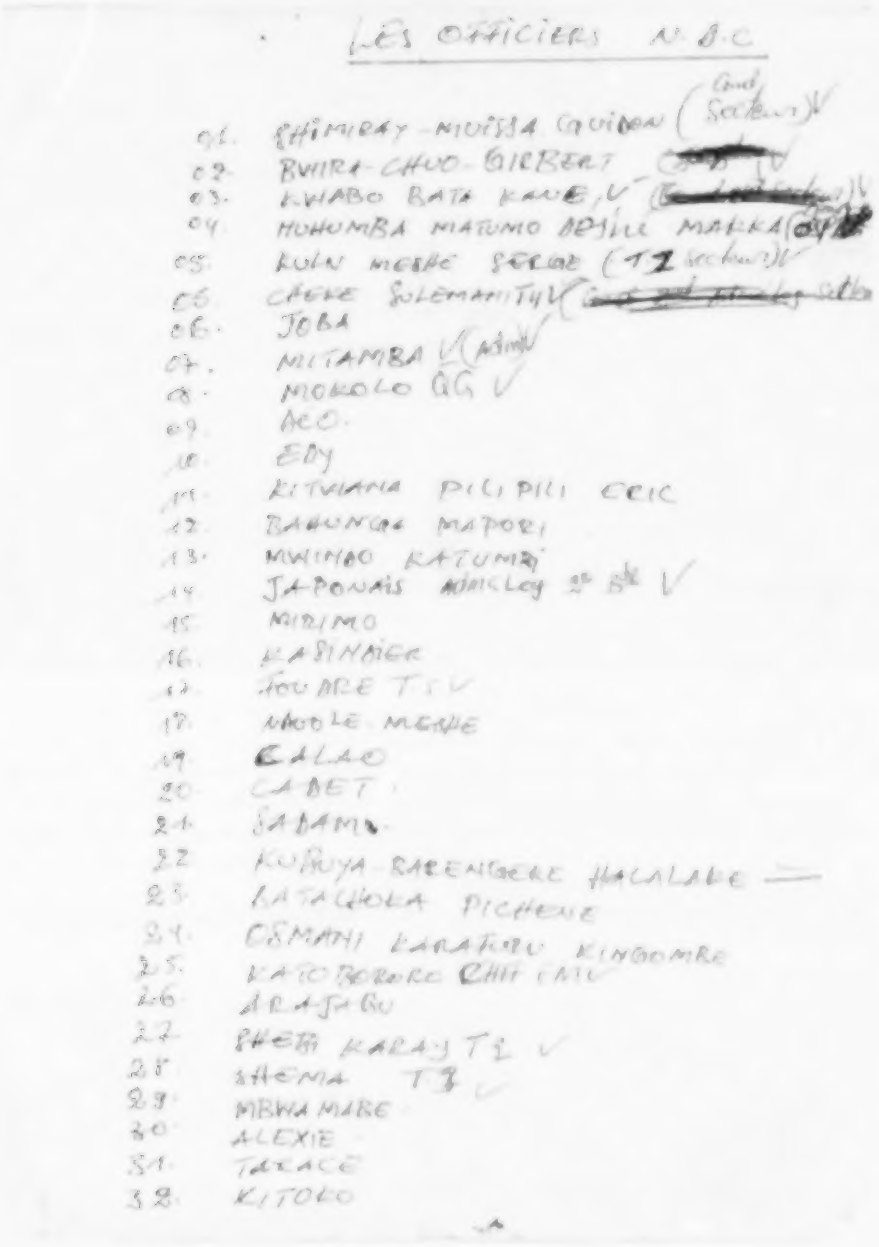
Annex 41

A Baraka flour depot owned by "Boulboi", a gold trader and Mai Mai Yakutumba collaborator



Annex 42

An internal NDC document naming all officers

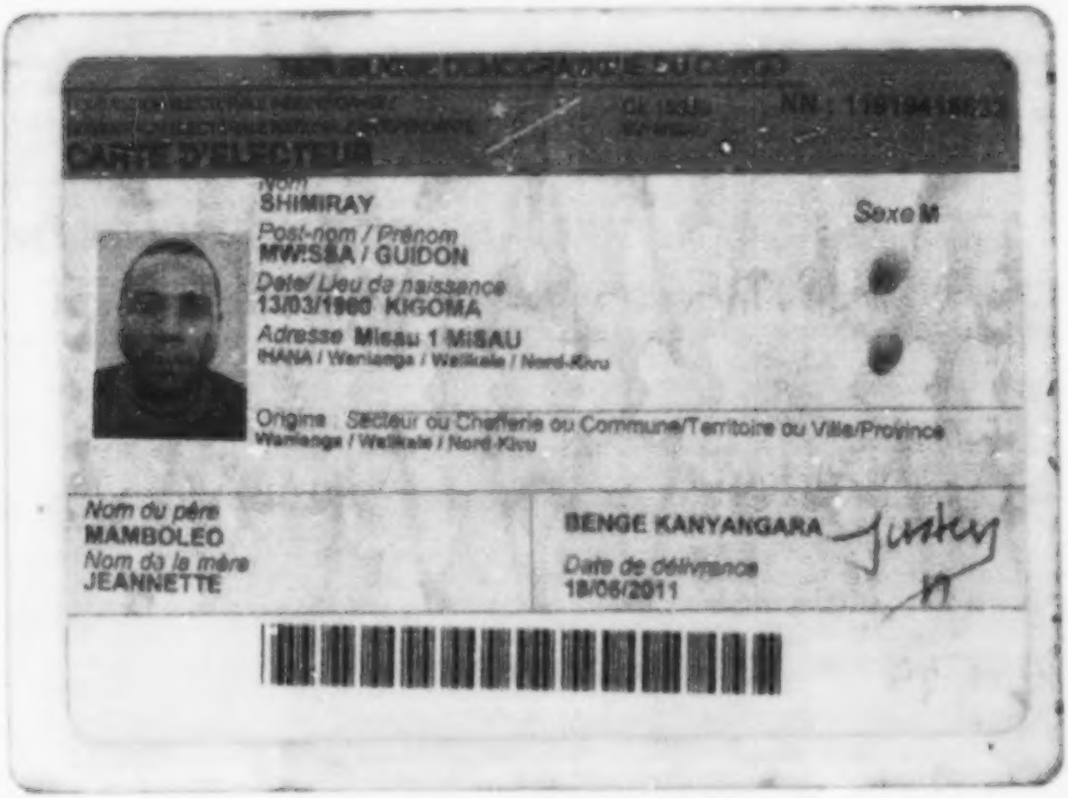


LES OFFICIERS N.D.C

01. SHIMIRAY MWISSA GUIDON (Cmd Secteur) V
02. BWIRA-CHUO-GILBERT [redacted] V
03. KWABO BATA KANE, V ([redacted]) V
04. MUHUMBA MATUMO BASILE MAKKA [redacted]
05. KULN MEBRE SERGE (T2 secteur) V
06. CHEKE SULEMANI TYV ([redacted] Sctr
06. JOBA
07. MITAMBA V (Admin) V
08. MOKOLO QG V
09. ACO.
10. EDY
11. KITWANA PILIPILI ERIC
12. BAHUNGA MAPORI
13. MWINDO KATUMBI
14. JAPONAIS ADMIN Log 2e Bde V
15. MIRIMO
16. KASINAIER
17. TOUARE T1 V
18. NGOLE MEHE
19. CALAO
20. CABET
21. SADAM
22. KUBUYA RABENGERE HALALABE —
23. KATACHOKA PICHENE
24. OSMANI KARATURU KINGOMBE
25. KATOBORORO CHIFFATU
26. ARAJABU
27. SHEBI KARAJ T1 V
28. SHEMA T3 V
29. MBWAMARE
30. ALEXIE
31. TARACE
32. KITOKO

Annex 43

Electoral card of NDC "Colonel" Shimiray Guidon, Sheka's deputy commander



REPUBLIQUE DEMOCRATIQUE DU CONGO

CARTE D'ELECTEUR

NN : [illegible]

Nom
SHIMIRAY

Sexe M

Post-nom / Prénom
MWISSA / GUIDON

Date/ Lieu de naissance
13/03/1980 KIGOMA

Adresse **Misau 1 MISAU**
IHANA / Wanianga / Walikale / Nord-Kivu

Origine : Secteur ou Chefferie ou Commune/Territoire ou Ville/Province
Wanianga / Walikale / Nord-Kivu

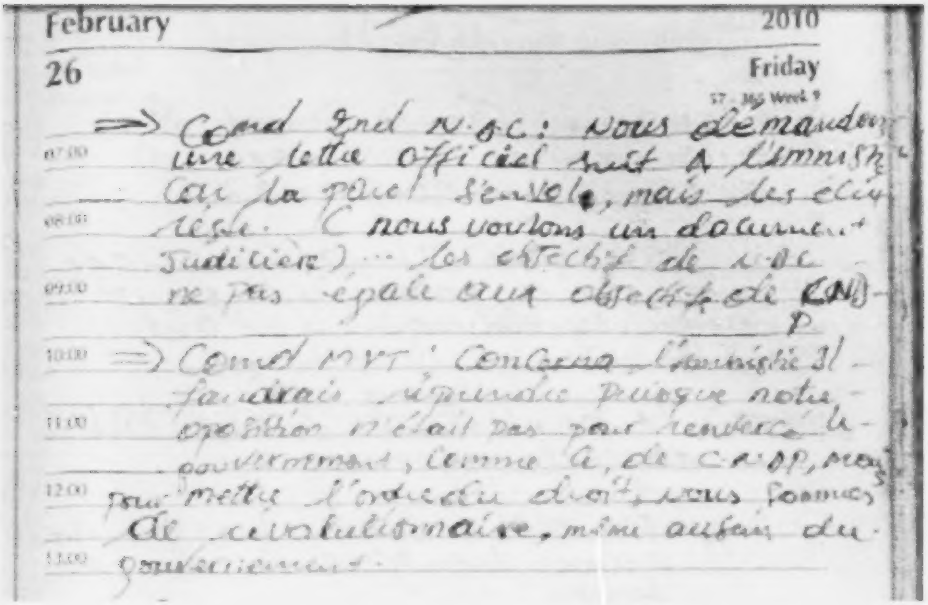
Nom du père
MAMBOLEO
Nom de la mère
JEANNETTE

BENGE KANYANGARA

Date de délivrance
18/06/2011

Annex 44

Internal NDC document outlining demands made by Sheka to the Government of the Democratic Republic of the Congo, including amnesty for previous acts



February 2010

26 Friday

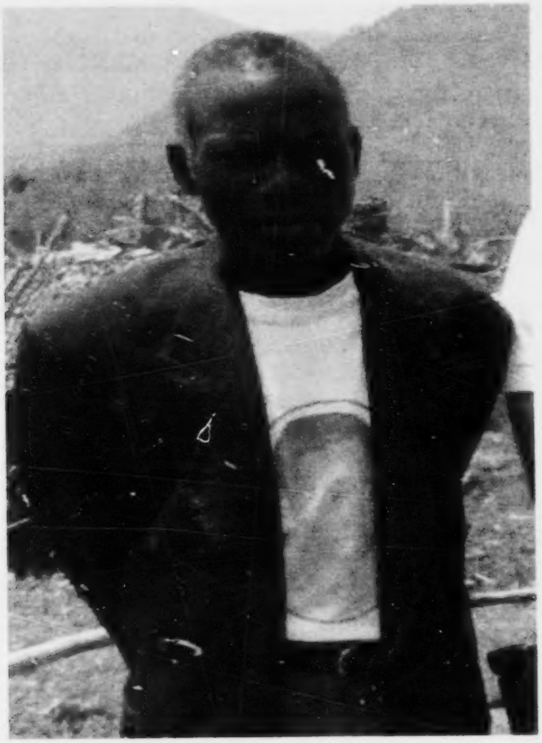
57 - 308 Week 9

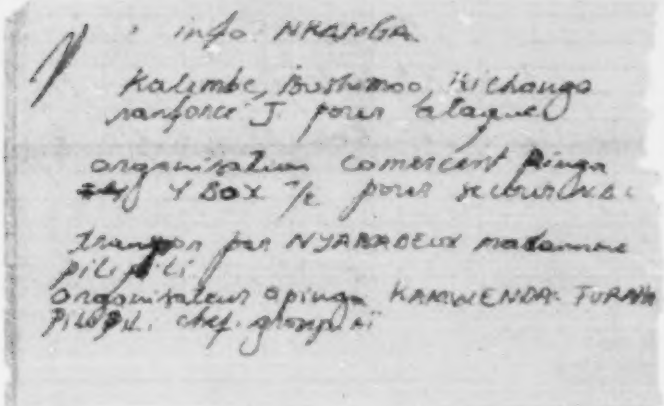
⇒ Comd 2nd N.D.C : Nous demandons
07:00 une lettre officiel suit à l'amnistie
car la paix s'envole, mais les élus
08:00 reste. (nous voulons un document
judiciaire) ... les objectifs de N.D.C
09:00 ne pas égale aux objectifs de CNDP

10:00 ⇒ Comd MVT : Concerna l'amnistie il
faudrait répondre puisque notre
11:00 opposition n'était pas pour renverser le
gouvernement, comme le, de C.N.D.P, mais
12:00 pour mettre l'ordre du droit, nous sommes
de révolutionnaire, même au sein du
13:00 gouvernement.

Annex 45

Photographs of NDC supporter Kamwenda Furaha and of a note from Sheka outlining an operation to obtain ammunition and citing Kamwenda and *groupement* chief Pilipili Furaha





info NKANGA

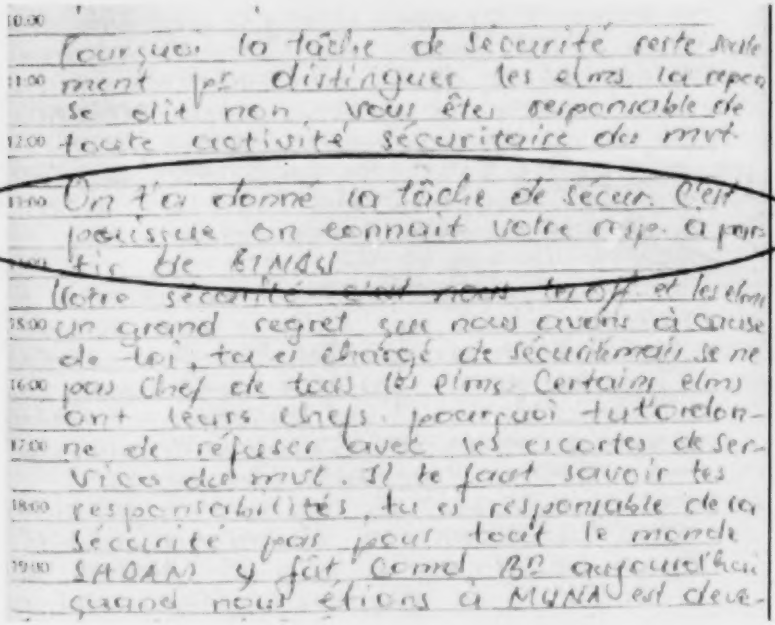
Kalimbe, Bushimoo, Kichanga
ranforcé J pour ataque

organisation comercent Pinga
~~24~~ 4 BOX 7/c pour [illegible]

transport par NYABADEUX madamme
pilipili
organisateur a pinga KAMWENDA FURAHA
PILIPILI. chef. groupt

Annex 46

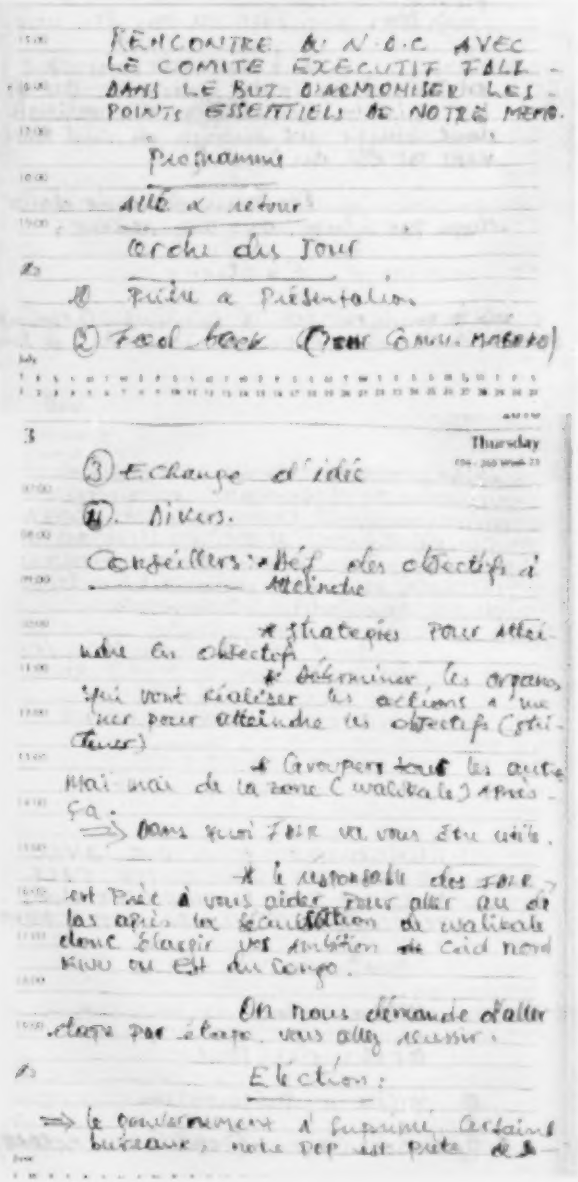
Reference to FARDC Colonel Etienne Bindu in an internal NDC document stating that Bindu had previously recommended an officer



10:00
Pourquoi la tâche de sécurité reste seule-
11:00 ment pr distinguer les elms la respo
se dit non, vous êtes responsable de
12:00 toute activité sécuritaire du mvt.
13:00 On t'a donné la tâche de sécur. C'est
puisque on connait votre resp. a par-
14:00 tir de BINDU
Votre sécurité était nous trop et les elms
15:00 un grand regret que nous avons à cause
de toi, tu es chargé de sécurité mais je ne
16:00 pas chef de tous les elms. Certains elms
ont leurs chefs. pourquoi tu t'ordon-
17:00 ne de refuser avec les escortes de ser-
vices du mvt. Il te faut savoir tes
18:00 responsabilités, tu es responsable de la
sécurité pas pour tout le monde
19:00 SADAM y fut commd Bn aujourd'hui
quand nous étions à MUNA est deve-

Annex 47

NDC notes from a meeting with the FDLR executive committee



RENCONTRE DU N.D.C AVEC
LE COMITE EXECUTIF FDLR -
DANS LE BUT D'ARMONISER LES -
POINTS ESSENTIELS DE NOTRE MEMO.

Programme

Allé & retour

Ordre du Jour

① Prière & Présentation

② Feed back (Pour Comm. MABERO)

July

3 Thursday

③ Echange d'idée

④. Divers.

Conseillers: Déf des objectifs à atteindre

* Stratégies pour atteindre ces objectifs

* Déterminer les organes qui vont réaliser les actions à mener pour atteindre les objectifs (stimuler)

* Grouper tous les autres Maï Maï de la zone (walikale) après ça.

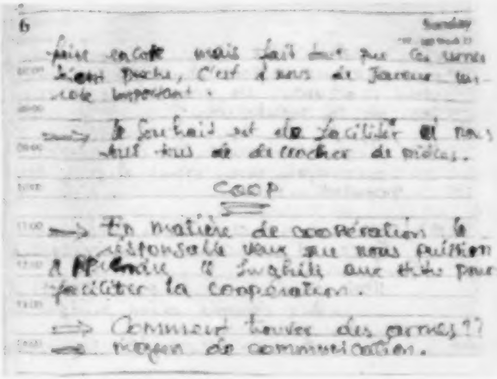
⇒ Dans quoi FDLR va vous être utile.

* le responsable des FDLR est prêt à vous aider pour aller au delà après la sécurisation de walikale donc élargir vos ambition ~~de~~ Sud nord Kivu ou Est du Congo.

On nous demande d'aller étape par étape. vous allez réussir.

Élection:

⇒ le gouvernement a supprimé certains bureaux, notre pop est prête de -



6 Sunday

faire encore mais fait tout pour ces termes soient proche, c'est à nous de jouer un rôle important.

⇒ le souhait est de faciliter et nous tous de décrocher des pièces.

COOP

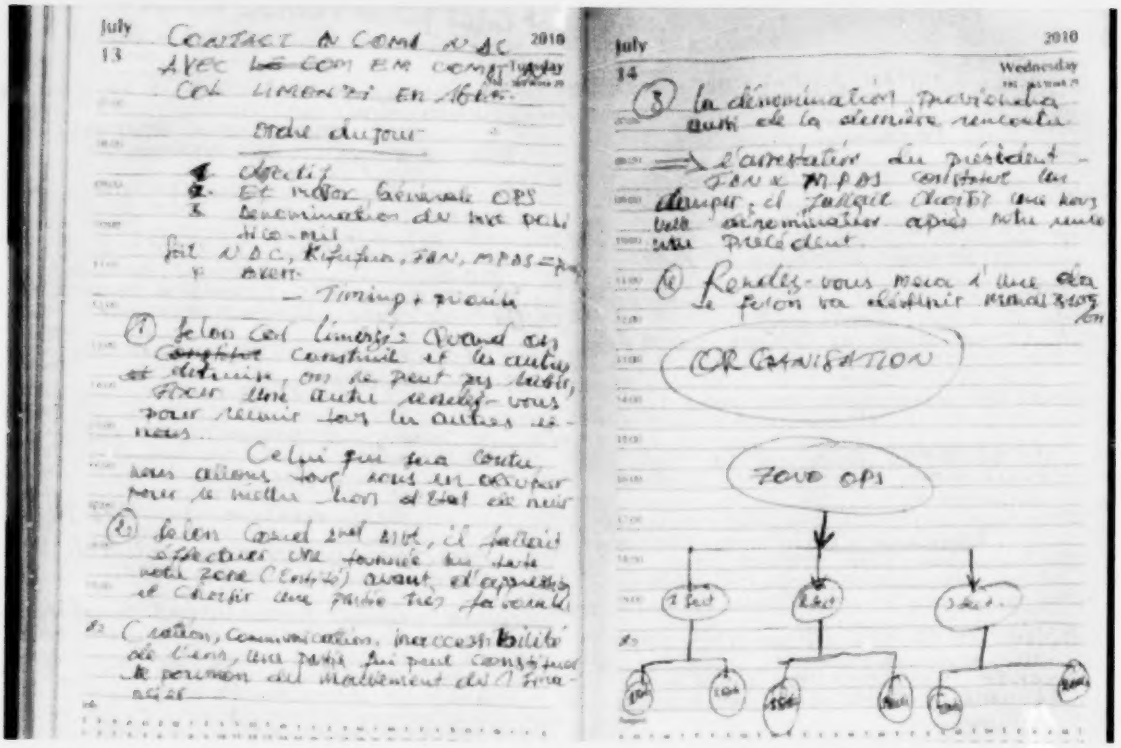
⇒ En matière de coopération le responsable veux que nous puissions apprendre le swahili aux [illegible] pour faciliter la coopération.

⇒ Comment trouver des armes??

⇒ moyen de communication.

Annex 48

Notes regarding an NDC meeting with Colonel Limenzi of Mai Mai Kifuafua at Ntoto in May 2011



July 2010
13 Tuesday

CONTACT N COMD NDC
AVEC ~~LE~~ COM EM COMD
COL LIMENZI EN [illegible].

Ordre du jour

1. Objectif
2. Et major Générale OPS
3. Dénomination du mvt politico-mil

soit NDC, Kifuafua, FDN, MPDS = [illegible] avenir

— Timing + priorité

① Selon Col Limenzi : Quand on ~~[illegible]~~ construit et les autres ont détruit, on ne peut pas [illegible], [illegible] une autre rendez-vous pour réunir tous les autres [illegible].

Celui qui sera contre, nous allons tous nous en occuper pour le mettre hors d'état de nuire

② Selon Genel [illegible], il fallait effectuer une tournée dans toute notre zone ([illegible]) avant d'[illegible] et choisir une partie très favorable

(ration, communication, inaccessibilité de l'ennemi, une partie qui peut constituer le [illegible] du mouvement du [illegible] [illegible]

July 2010
14 Wednesday

③ La dénomination provisoire [illegible] de la dernière rencontre

⟹ l'arrestation du président FDN & MPDS constitue un danger ; il fallait choisir une nouvelle dénomination après notre rencontre précédent.

④ Rendez-vous [illegible] d'une [illegible] le [illegible] va définir [illegible]

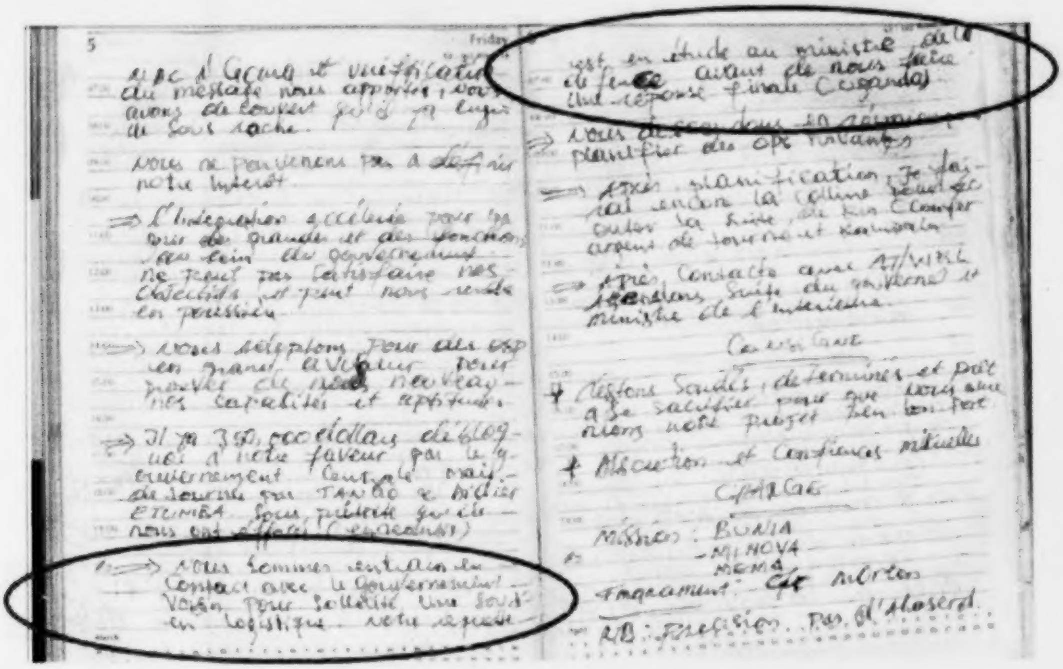
ORGANISATION

ZONE OPS

1 Sect
2 Sect
3 Sect

Annex 49

Internal notes of NDC confirming its desire to purchase weapons in Uganda



5

Friday

Appel d'Gcuma et vérification du message nous apporté, nous avons découvert qu'il y a [illegible] de sous roche.

Nous ne parvenons pas à définir notre intérêt.

⇒ L'intégration accélérée pour les [illegible] des grades et des fonctions loin du gouvernement ne peut pas satisfaire nos attentes et peut nous rendre en prison.

⇒ Nous adoptons pour des ops en grand envergure pour prouver de nos nouvelles capacités et aptitudes.

⇒ Il y a 350,000 dollars débloqués à notre faveur par le gouvernement central mais détournés par TANGO & Didier ETUMBA sous prétexte qu'ils nous ont effacés (recensés)

⇒ Nous sommes entrain de contact avec le Gouvernement voisin pour solliciter une soutien en logistique. Notre requête est en étude au ministère de la défense avant de nous faire une réponse finale (Uganda)

⇒ Nous devons dans la réunion planifier des ops volantes

⇒ Après planification je ferai encore la colline pour exécuter la suite, de [illegible] [illegible] argent de tournement [illegible]

⇒ Après contacts avec AT/VIRL [illegible] suite du gouvernement et ministre de l'intérieur.

[illegible]

+ Restons soudés, déterminés et prêt à se sacrifier pour que nous amenions notre projet bien à bon port

+ Discrétion et confiances mutuelles

CHARGE

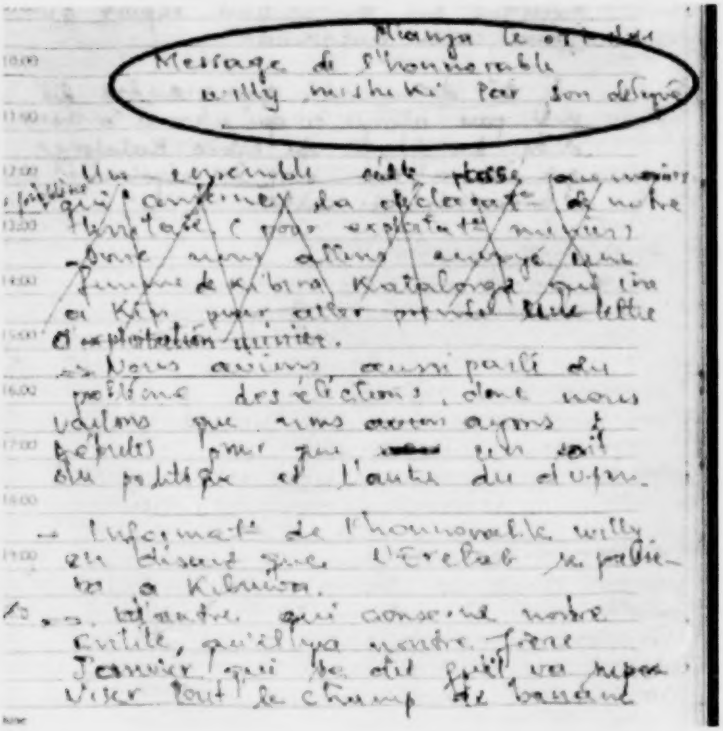
Mission : BUNIA
- MINOVA
MEMA

Engagement : Cpt [illegible]

NB : Précision. Pas d'[illegible].

Annex 50

Notes on an NDC meeting with Willy Mishiki in April 2011



Mianga le 07 [illegible]

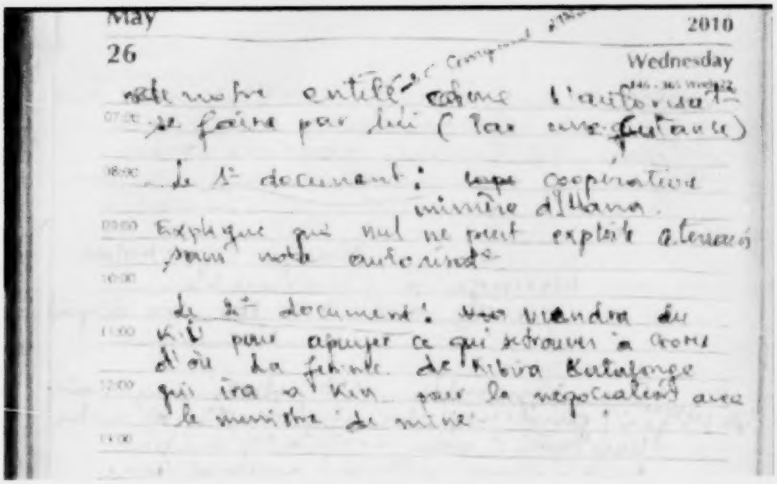
Message de l'honnorable willy mishiki Par son délégué

~~Un ensemble [illegible] [illegible] au moins qui contiennent la échelement de notre territoire (pour exploitation minière) Donc nous allons envoyé une femme de Kibira Katalonga qui ira a Kin pour aller prendre une lettre d'exploitation minière.~~

→ Nous avons aussi parlé du problème des élections, donc nous voulons que nous ~~avons~~ ayons 2 députés pour que ~~[illegible]~~ un soit du politique et l'autre du d.u.fm.

→ Informat° de l'honnorable willy en disant que l'Evelab se patientera a Kibuisa.

1) → l'autre qui concerne notre entité, qu'il y a notre frère Janvier qui le dit qu'il va repos viser tout le champ de banane



May 2010

26 Wednesday

146 - 365 Week 22

Compagnie d'[illegible]

~~[illegible]~~ notre entité comme l'autorisat° se faire par lui (Par une quittance)

le 1er document: ~~une~~ coopérative minière d'Ilana.

Explique que nul ne peut exploité a terrain sans notre autorisat°

le 2e document: ~~[illegible]~~ viendra du K.V pour appuyer ce qui se trouve a trois d'où la femme de Kibira Katalonga qui ira a Kin pour la négociation avec le ministre de mine.

Annex 51

Record of telephone calls between one of Mishiki's known numbers and Sheka, of NDC

Date	*Time*	*Units used*
8/18/2011	1:01:02 p.m.	68
8/18/2011	1:46:53 p.m.	746
8/18/2011	12:48:25 p.m.	204
8/18/2011	12:52:20 p.m.	47
8/18/2011	2:10:25 p.m.	129
8/19/2011	2:05:19 p.m.	55
8/23/2011	1:40:41 p.m.	160
8/23/2011	1:48:33 p.m.	61
8/23/2011	2:03:24 p.m.	10

Annex 52

Communications between one of Mitondeke's known numbers and "General" Janvier Buingo, of APCLS

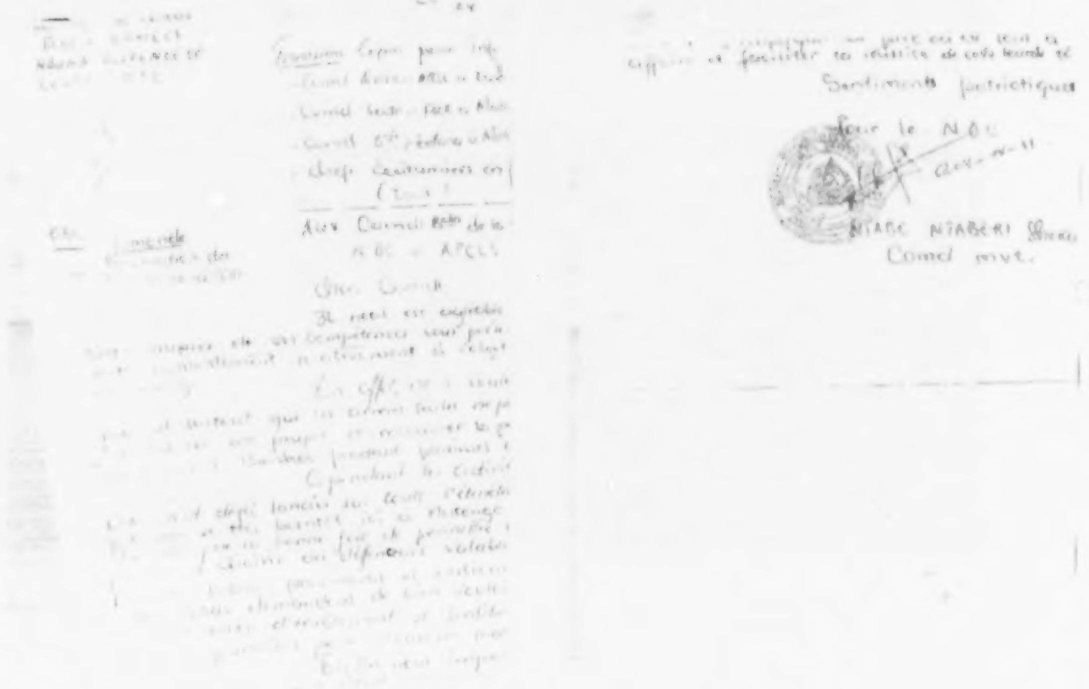
Date and time	*Units used*
24/5/2011 10:35:42 a.m.	34
24/5/2011 10:39:54 a.m.	175
19/6/2011 4:24:12 p.m.	99
25/6/2011 7:34:52 a.m.	165
26/6/2011 4:52:04 p.m.	205
12/7/2011 9:53:06 a.m.	77
2/7/2011 5:24:05 p.m.	385
3/7/2011 8:36:12 a.m.	144
9/7/2011 11:43:27 a.m.	142
13/8/2011 3:08:29 p.m.	150
7/8/2011 5:59:21 p.m.	221
1/9/2011 4:06:56 p.m.	79
3/9/2011 2:33:53 p.m.	221

Annex 53

Lukweti electoral registration centre, established following confrontations between APCLS and NDC

Annex 54

Letter from Sheka to APCLS regarding electoral registration in Walikale



Aux Commandants de la NDC - APCLS

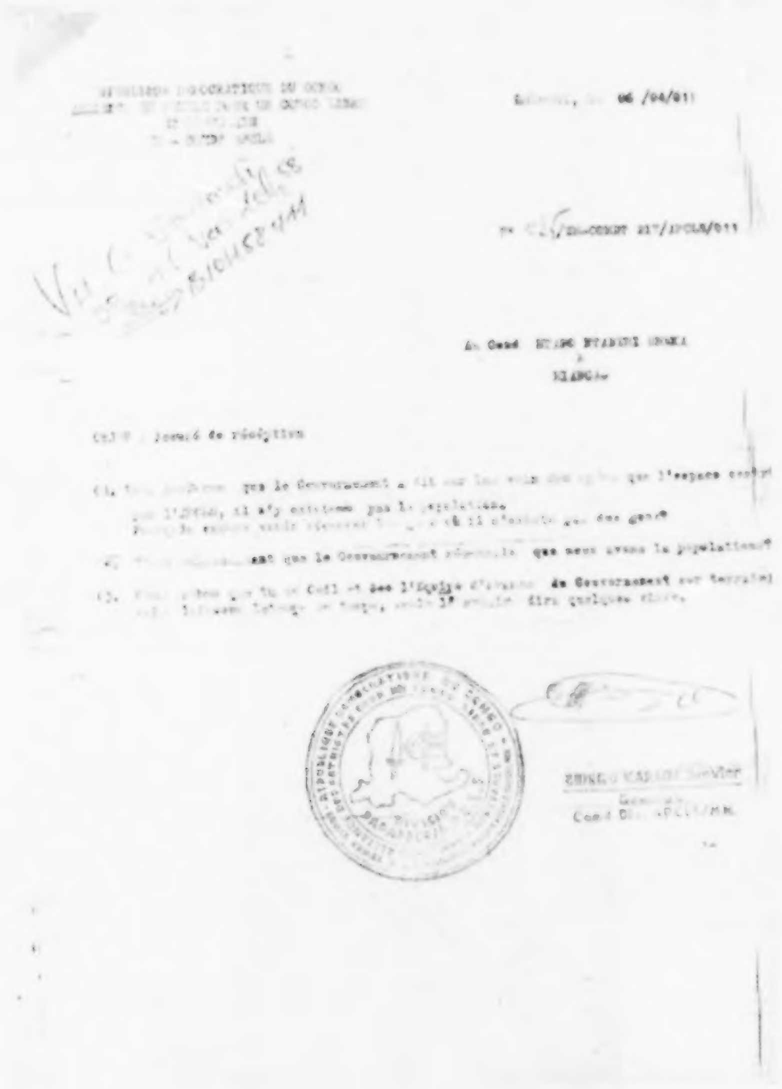
Sentiments patriotiques

Pour le NDC

NTABO NTABERI Sheka
Comd mvt.

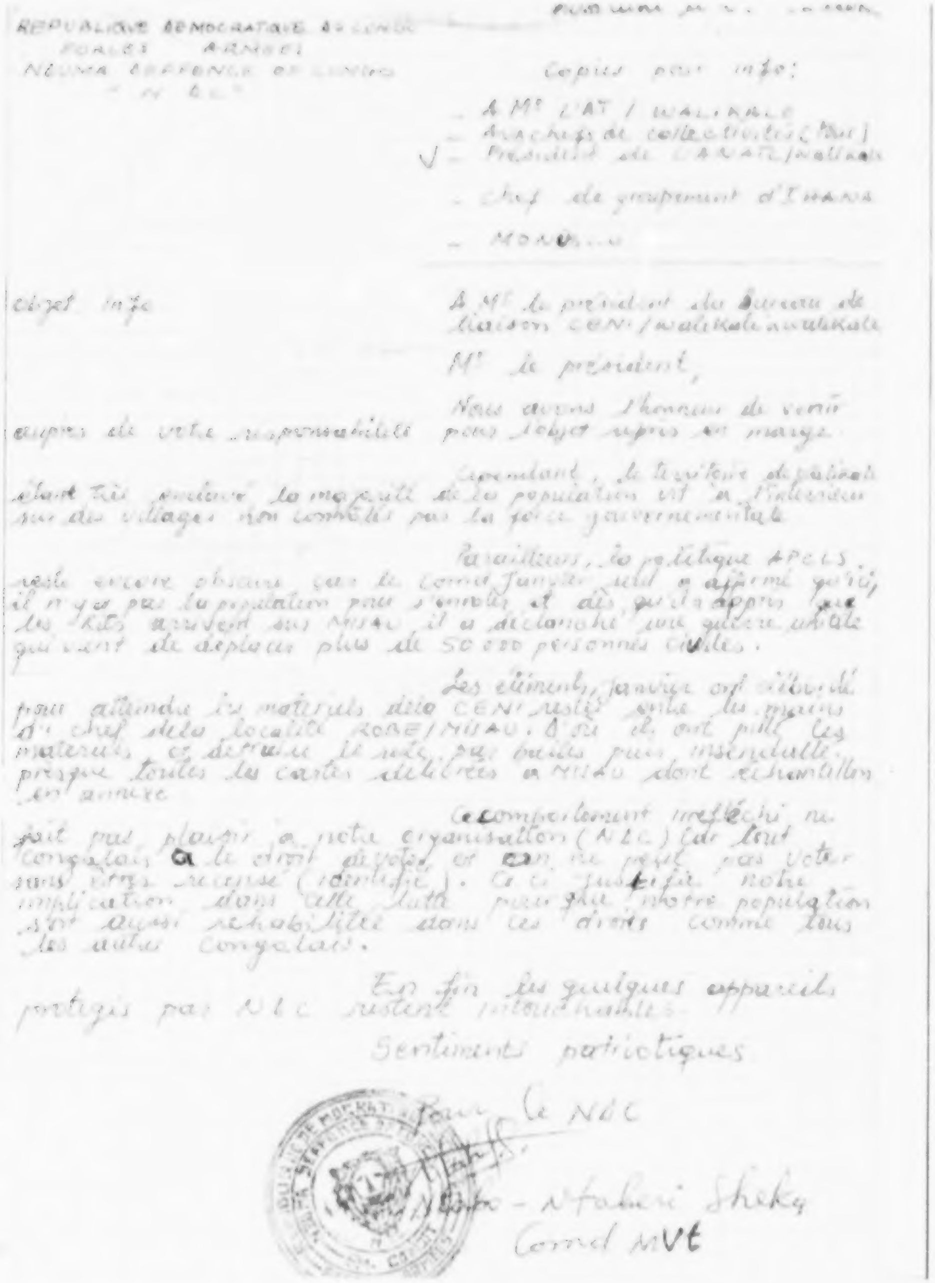
Annex 55

Response from APCLS to Sheka with regard to electoral registration in Walikale



Annex 56

Letter from Sheka accusing APCLS of disrupting the electoral registration at Misao, Walikale territory



[illegible]

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
NDUMA DEFENCE OF CONGO
"N D C"

Copies pour info:

- A Mr L'AT / WALIKALE
- Aux chefs de collectivités ([illegible])
- Président de [illegible]/Walikale
- Chef de groupement d'Ihana
- MONU...

Objet: info

A Mr le président du Bureau de liaison CENI/walikale à walikale

Mr le président,

Nous avons l'honneur de venir auprès de votre responsabilité pour l'objet repris en marge.

Cependant, le territoire de Walikale étant très enclavé la majorité de la population est à l'intérieur sur des villages non contrôlés par la force gouvernementale.

Parailleurs, la politique APCLS reste encore obscure car le Comd Janvier seul a affirmé qu'ici, il n'y a pas la population pour s'enrôler et dès qu'il a appris que les kits arrivent sur Misau il a déclanché une guerre inutile qui vient de déplacer plus de 50 000 personnes civiles.

Les éléments Janvier ont débordé pour atteindre les matériels de la CENI restés entre les mains du chef de la localité ROBE/MISAU. Où ils ont pillé les materiels, et détruit le reste par brûlés puis incendié presque toutes les cartes délivrées à Misau dont échantillon en annexe.

Ce comportement irréfléchi ne fait pas plaisir à notre organisation (NDC) car tout congolais a le droit de voter, et on ne peut pas voter sans être recensé (identifié). Ceci justifie notre implication dans cette lutte pour que notre population soit aussi réhabilitée dans ses droits comme tous les autres Congolais.

En fin les quelques appareils protégés par NDC restent intouchables.

Sentiments patriotiques

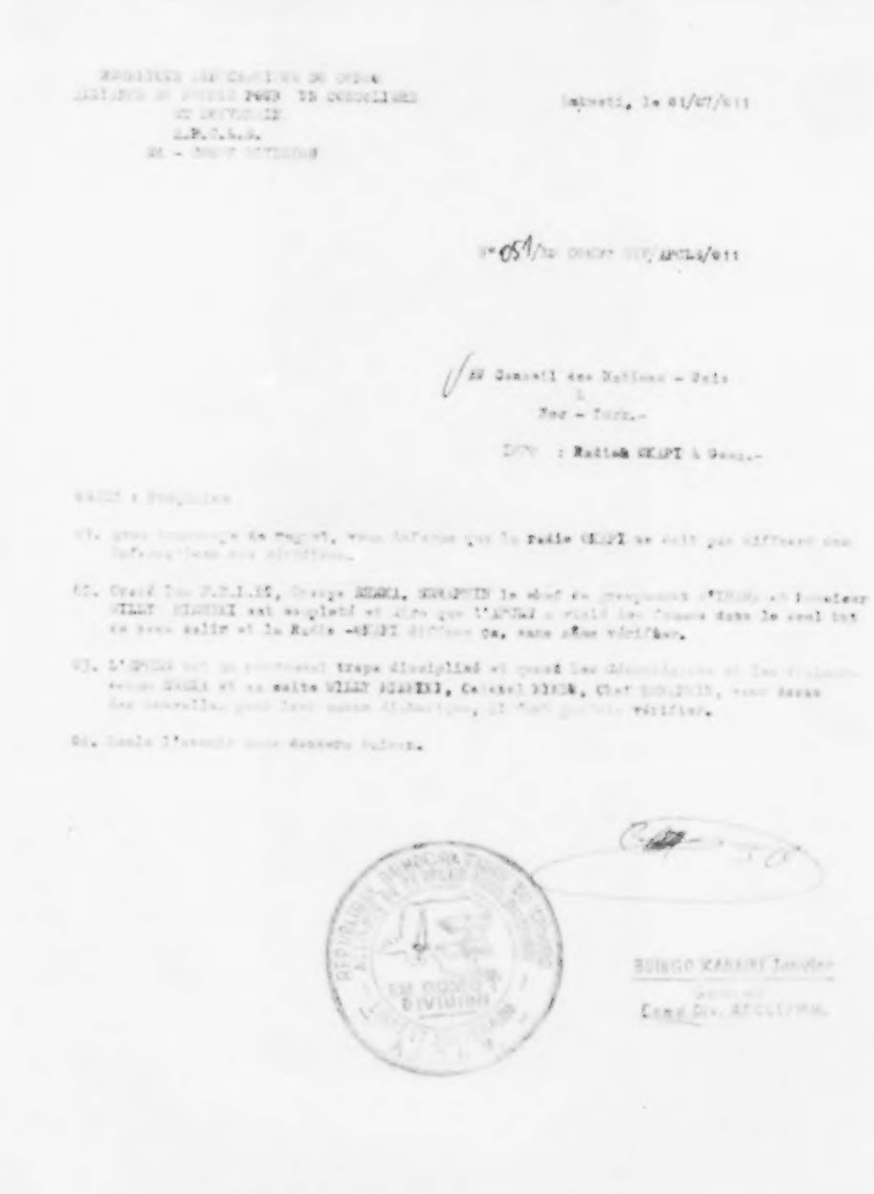
Pour le NDC
Ntabo-Ntaberi Sheka
Comd MVt

Annex 57

Photograph of APCLS chief operations officer "Colonel" Karara Mukandirwa

Annex 58

Letter from Buingo to the Security Council denying charges of sexual violence by his combatants at Mutongo



REPUBLIQUE [illegible] DU CONGO
ALLIANCE [illegible] POUR UN CONGO LIBRE
ET SOUVERAIN
A.P.C.L.S.
EM - [illegible]

Lukweti, le 01/07/011

N° 051/EM [illegible]/APCLS/011

Au Conseil des Nations - Unis
à
New - York.-

[illegible] : Radio OKAPI à Goma.-

[illegible]

01. [illegible] de regret, nous [illegible] que la Radio OKAPI ne doit pas diffuser des informations [illegible].

02. [illegible] F.D.L.R., [illegible] SHEKA, [illegible] le chef de [illegible] et [illegible] WILLY [illegible] est complété et dire que l'APCLS a violé les femmes dans le seul but de nous salir et la Radio OKAPI diffuse ça, sans même vérifier.

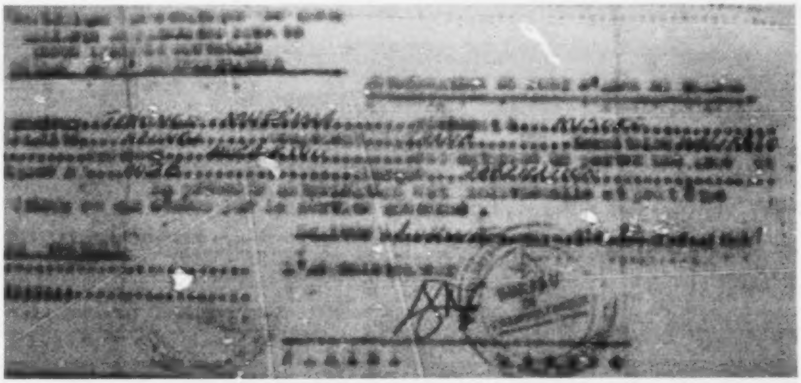
03. L'APCLS est un [illegible] trope disciplinés et quand les [illegible] SHEKA et sa suite WILLY [illegible], Colonel [illegible], Chef [illegible], vous devez [illegible] vérifier.

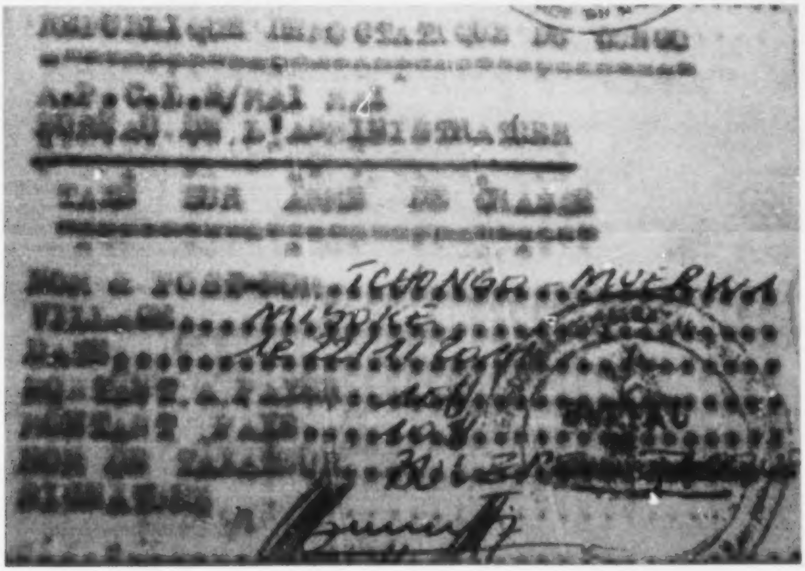
04. [illegible]

BUINGO KARAIRI Janvier
Général
Cmd Div. APCLS/FMN

Annex 59

APCLS tax receipts provided in the area of Mutongo



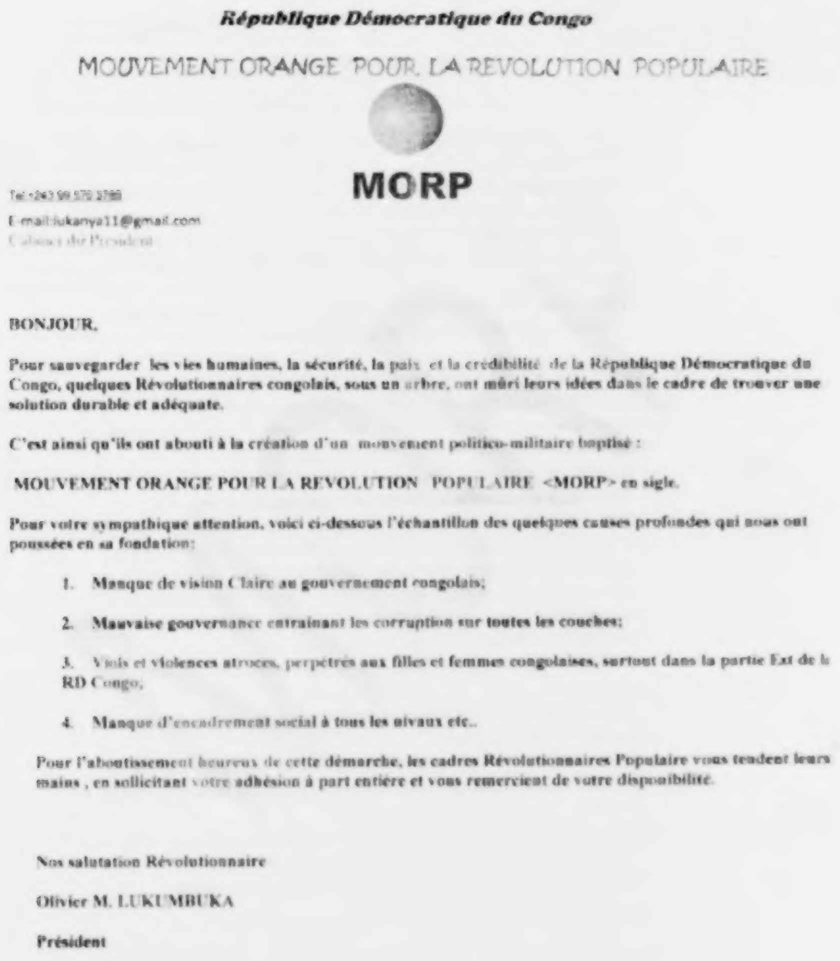


Annex 60

Photographs of Mutongo market, which is controlled and taxed by APCLS

Annex 61

Declaration of the Mouvement orange pour la révolution populaire, signed by Olivier Lukumbuka



République Démocratique du Congo

MOUVEMENT ORANGE POUR LA REVOLUTION POPULAIRE

MORP

Tel:+243 99 570 2788
E-mail:lukanya11@gmail.com
Cabinet du President

BONJOUR,

Pour sauvegarder les vies humaines, la sécurité, la paix et la crédibilité de la République Démocratique du Congo, quelques Révolutionnaires congolais, sous un arbre, ont mûri leurs idées dans le cadre de trouver une solution durable et adéquate.

C'est ainsi qu'ils ont abouti à la création d'un mouvement politico-militaire baptisé :

MOUVEMENT ORANGE POUR LA REVOLUTION POPULAIRE <MORP> en sigle.

Pour votre sympathique attention, voici ci-dessous l'échantillon des quelques causes profondes qui nous ont poussées en sa fondation:

1. **Manque de vision Claire au gouvernement congolais;**
2. **Mauvaise gouvernance entrainant les corruption sur toutes les couches;**
3. **Viols et violences atroces, perpétrés aux filles et femmes congolaises, surtout dans la partie Est de la RD Congo;**
4. **Manque d'encadrement social à tous les niveaux etc..**

Pour l'aboutissement heureux de cette démarche, les cadres Révolutionnaires Populaire vous tendent leurs mains , en sollicitant votre adhésion à part entière et vous remercient de votre disponibilité.

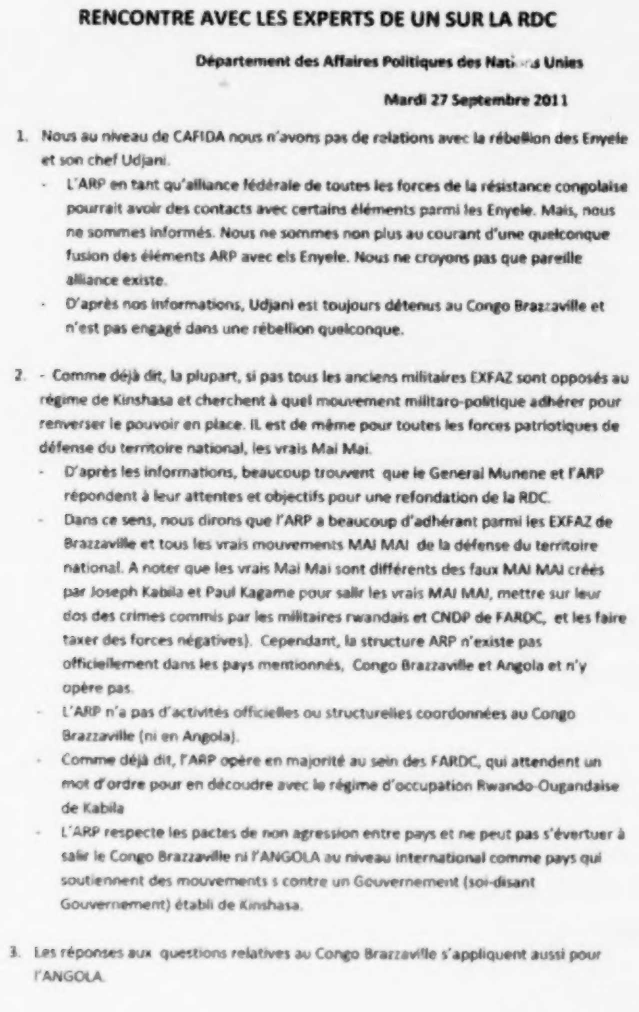
Nos salutation Révolutionnaire

Olivier M. LUKUMBUKA

Président

Annex 62

ARP declaration made by representatives of the Conscience Action Form of Initiatives in the Development of Africa



RENCONTRE AVEC LES EXPERTS DE UN SUR LA RDC

Département des Affaires Politiques des Nations Unies

Mardi 27 Septembre 2011

1. Nous au niveau de CAFIDA nous n'avons pas de relations avec la rébellion des Enyele et son chef Udjani.
   - L'ARP en tant qu'alliance fédérale de toutes les forces de la résistance congolaise pourrait avoir des contacts avec certains éléments parmi les Enyele. Mais, nous ne sommes informés. Nous ne sommes non plus au courant d'une quelconque fusion des éléments ARP avec els Enyele. Nous ne croyons pas que pareille alliance existe.
   - D'après nos informations, Udjani est toujours détenus au Congo Brazzaville et n'est pas engagé dans une rébellion quelconque.

2. - Comme déjà dit, la plupart, si pas tous les anciens militaires EXFAZ sont opposés au régime de Kinshasa et cherchent à quel mouvement militaro-politique adhérer pour renverser le pouvoir en place. IL est de même pour toutes les forces patriotiques de défense du territoire national, les vrais Mai Mai.
   - D'après les informations, beaucoup trouvent que le General Munene et l'ARP répondent à leur attentes et objectifs pour une refondation de la RDC.
   - Dans ce sens, nous dirons que l'ARP a beaucoup d'adhérant parmi les EXFAZ de Brazzaville et tous les vrais mouvements MAI MAI de la défense du territoire national. A noter que les vrais Mai Mai sont différents des faux MAI MAI créés par Joseph Kabila et Paul Kagame pour salir les vrais MAI MAI, mettre sur leur dos des crimes commis par les militaires rwandais et CNDP de FARDC, et les faire taxer des forces négatives). Cependant, la structure ARP n'existe pas officiellement dans les pays mentionnés, Congo Brazzaville et Angola et n'y opère pas.
   - L'ARP n'a pas d'activités officielles ou structurelles coordonnées au Congo Brazzaville (ni en Angola).
   - Comme déjà dit, l'ARP opère en majorité au sein des FARDC, qui attendent un mot d'ordre pour en découdre avec le régime d'occupation Rwando-Ougandaise de Kabila
   - L'ARP respecte les pactes de non agression entre pays et ne peut pas s'évertuer à salir le Congo Brazzaville ni l'ANGOLA au niveau international comme pays qui soutiennent des mouvements s contre un Gouvernement (soi-disant Gouvernement) établi de Kinshasa.

3. Les réponses aux questions relatives au Congo Brazzaville s'appliquent aussi pour l'ANGOLA.

4 Comme l'APARECO et les Bakolokongo l'ont annoncé le 27 Février et après, les événements du 27 Février ont été une démonstration des Forces de la Résistance. Ceci en vue de prouver leur capacité non redoutable de renverser, de mettre fin au Régime autoritariste et dictatorial et d'occupation de Joseph Kabila et ses lieutenants, et libérer de la dérive totalitariste du système Kabila, la RDC, les institutions nationales et internationales et les multinationales opérant au pays.

Ceci a été un signal pour accélérer les démarches diplomatiques afin de convaincre la Communauté Internationale de la nécessité du peuple congolais de se libérer de l'occupation Rwando-Ougandaise et de travailler en harmonie avec les partenaires et alliés pour refondation d'un Etat démocratique, sécurisé e sécurisant, progressiste, libéral et inclusif en RDC. D'où la nécessité du marathon diplomatique et des contacts avec les multinationales et autres partenaires potentiels à tous les niveaux.

5. La branche politique n'est pas au courant des démarches stratégiques militaires sur terrain. Ceci est effectivement du au risque de dévoiler des secrets des stratégies militaires sur terrain.

6. - D'après nous sources, le Général Munene aurait été arrêté à la demande de Kinshasa qui l'avait soupçonné d'être à la base des événements du 27 Février. Nous pensons que Brazzaville avaient agi de bonne foi pour montrer leur attachement au principe de non agression des voisins. Et cela sans aucune preuve de l'implication directe du Général Munene dans les événements du 27 Février.

D'après nos sources, Le General Munene n'est pas actuellement sur le sol du Congo Brazzaville. Il n'est pas donc à Pointe Noire. Il serait très loin de la RDC dans un pays quelconque, à partir du quel il commande des troupes militaires sur terrain en RDC, surtout au sein des FARDC.

7. Honoré Ngbanda en tant qu'un des résistants importants dans la diaspora aurait des contacts avec les différents mouvements de résistance. Et l'objectif de l : ARP étant de fédérer toute la résistance, ces deux mouvements auraient été en contacts. Actuellement, nous ne pensons pas qu'il ya des contacts directs entre les deux chefs, Munene et Ngbanda. Mais certaines élites des mouvements sont surement en contact.

8. Voici les contacts publics de Me Jean Kalama Ilunga, porte parole de l'ARP et de Me Longa Fuamba, Secrétaire General de l'ARP.
Longa Fuamba : (+44) 792 454 7728 et (+44) 752 998 0816

APM JDM

Jean Kalama Ilunga

9. Comme déjà dans les réponses ci-dessus, l'ARP fédère toutes les forces de changement et est ouverte à tout contact avec les vrais patriotes pour un changement réel en RDC.

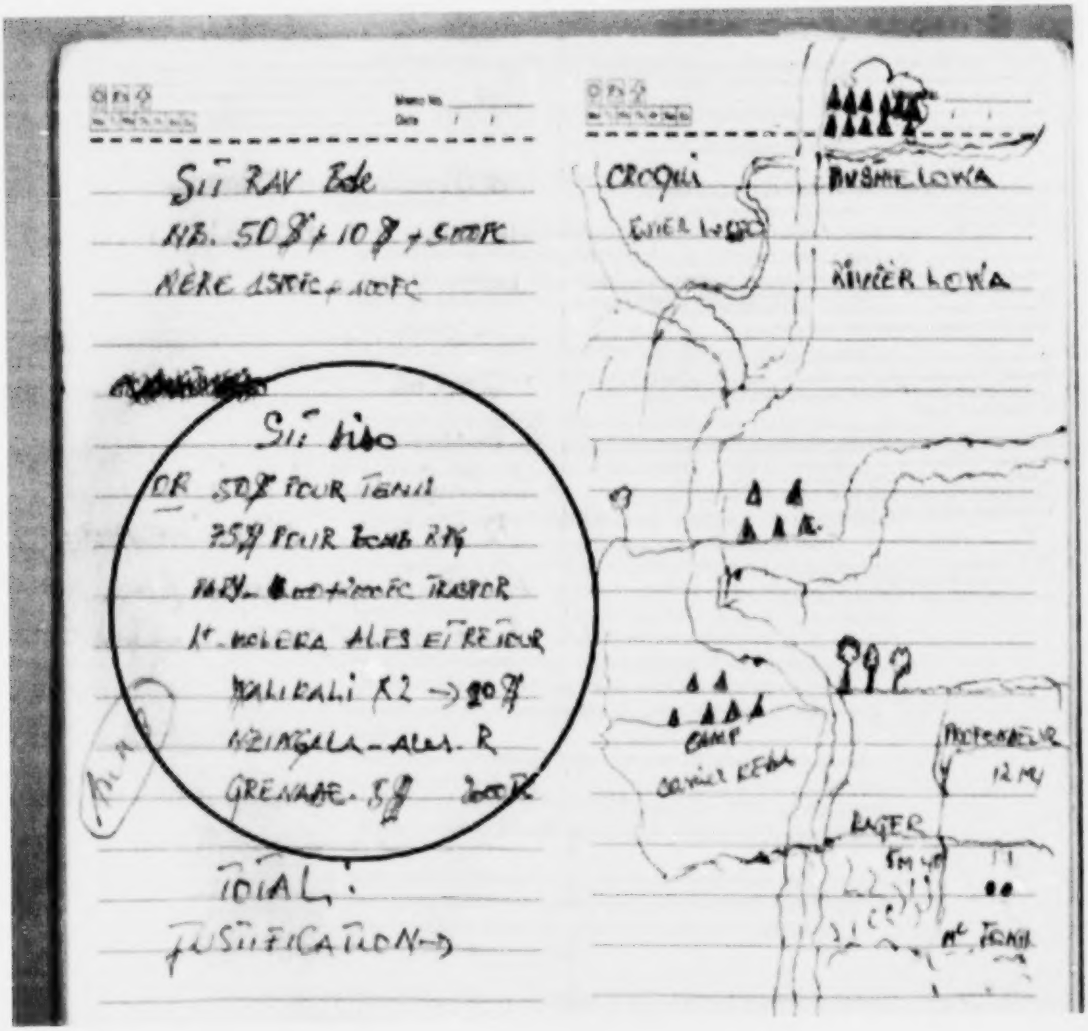
Avec le MLC comme parti politique, l'ARP n'a pas de contact officiel.
Avec l'USPC comme parti politique, l'ARP n'a pas de contact officiel.
Avec les milices MLC (DPP), il est fort probable qu'il y ait des contacts surtout au niveau de tous les patriotes militaires congolais qui tiennent à récupérer le pays des mains des occupants. Encore une fois, les stratégies militaires ne sont pas communiquées à la branche politique.

AMELIE THEMBA

DANIEL MAMBA
TSHIAMBA

Annex 63

Agenda outlining prices in gold in exchange for military equipment found on arrested collaborators with Mai Mai Simba



SIT RAV Bde

NB. 50g + 10g + 5000FC

MERE 1500FC + 1000FC

[illegible]

SIT liso

DR 50g POUR TENU

25g POUR BOMB RPG

PARY – 8000 + 1000FC TRASPOR

1r. HOLERA ALES ET RETOUR

KALIKALI X2 → 20g

NZINGALA – ALLA. R

GRENADE . 5g 2000FC

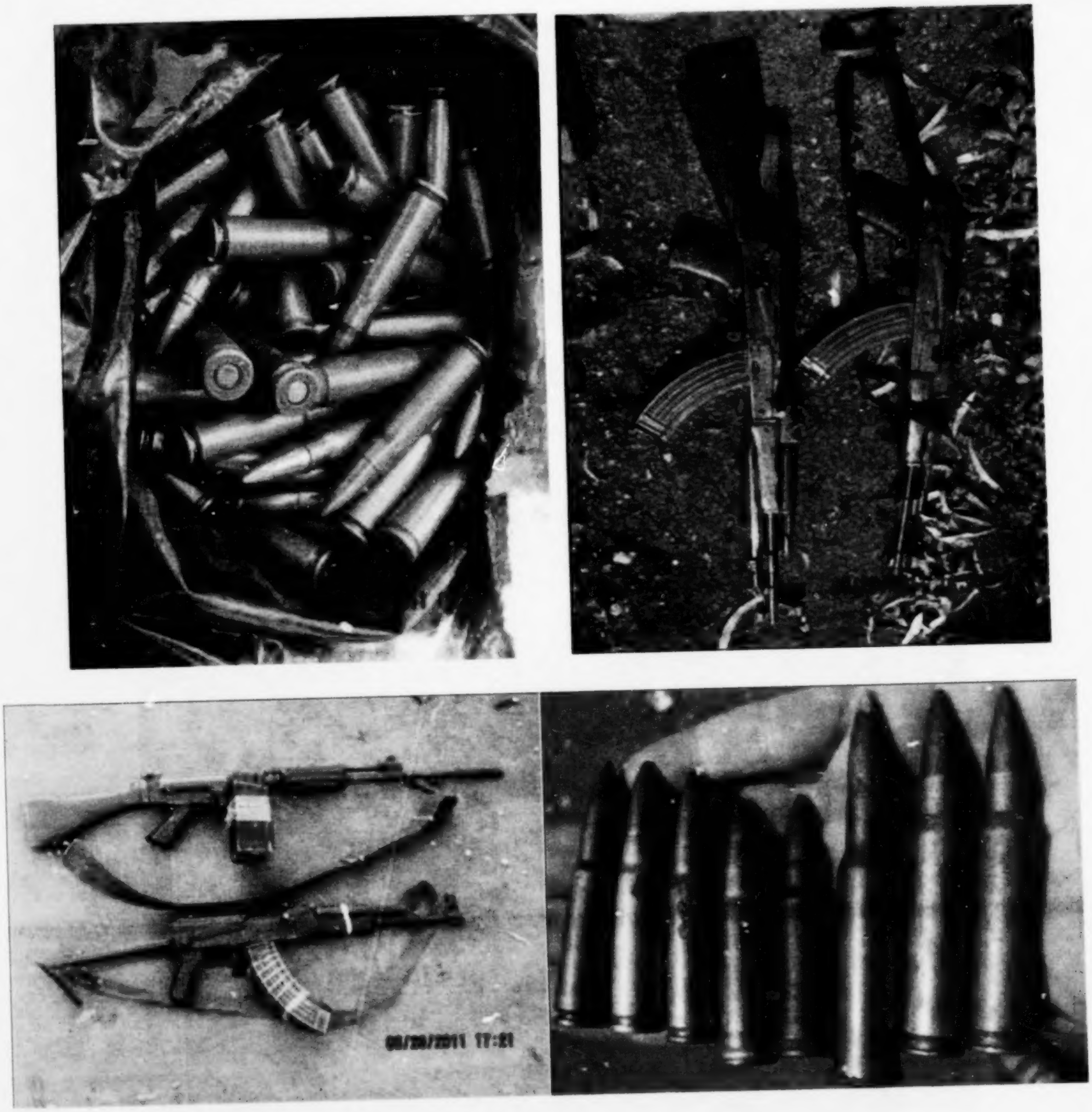
TOTAL :

JUSTIFICATION →

CROQUIS
RIVIER LOWA
BUSHIE LOWA
RIVIER LOWA
CAMP
CENTRE KEBA
PROTECTEUR
12 M
LAGER
5M
Mt TONA

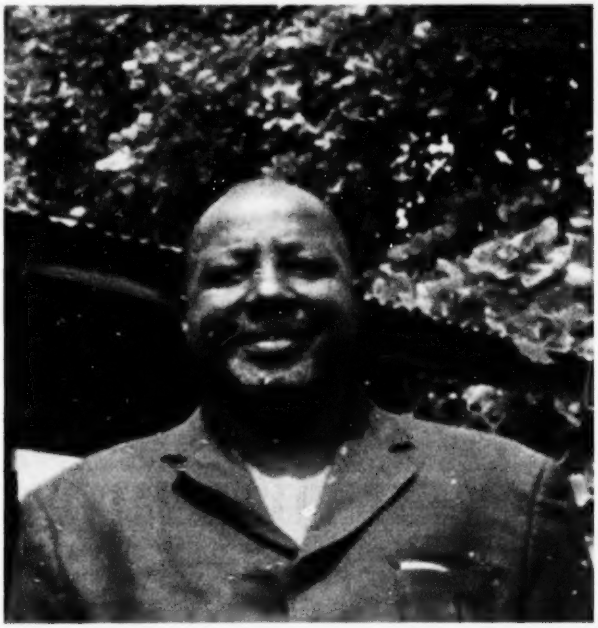
Annex 64

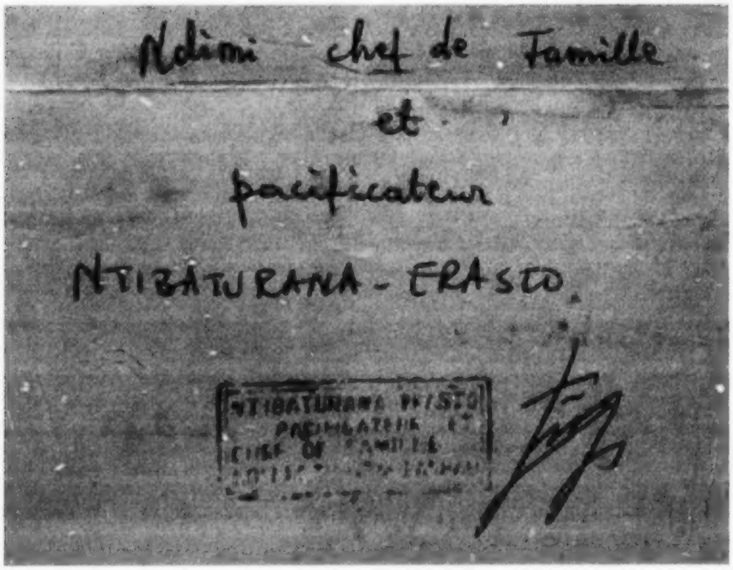
Ammunition found in the possession of the Force auto-défense légitime in Lemera, South Kivu



Annex 65

Photograph and signature of Erasto Ntibaturana, who calls himself "*Chef de famille et pacificateur*"



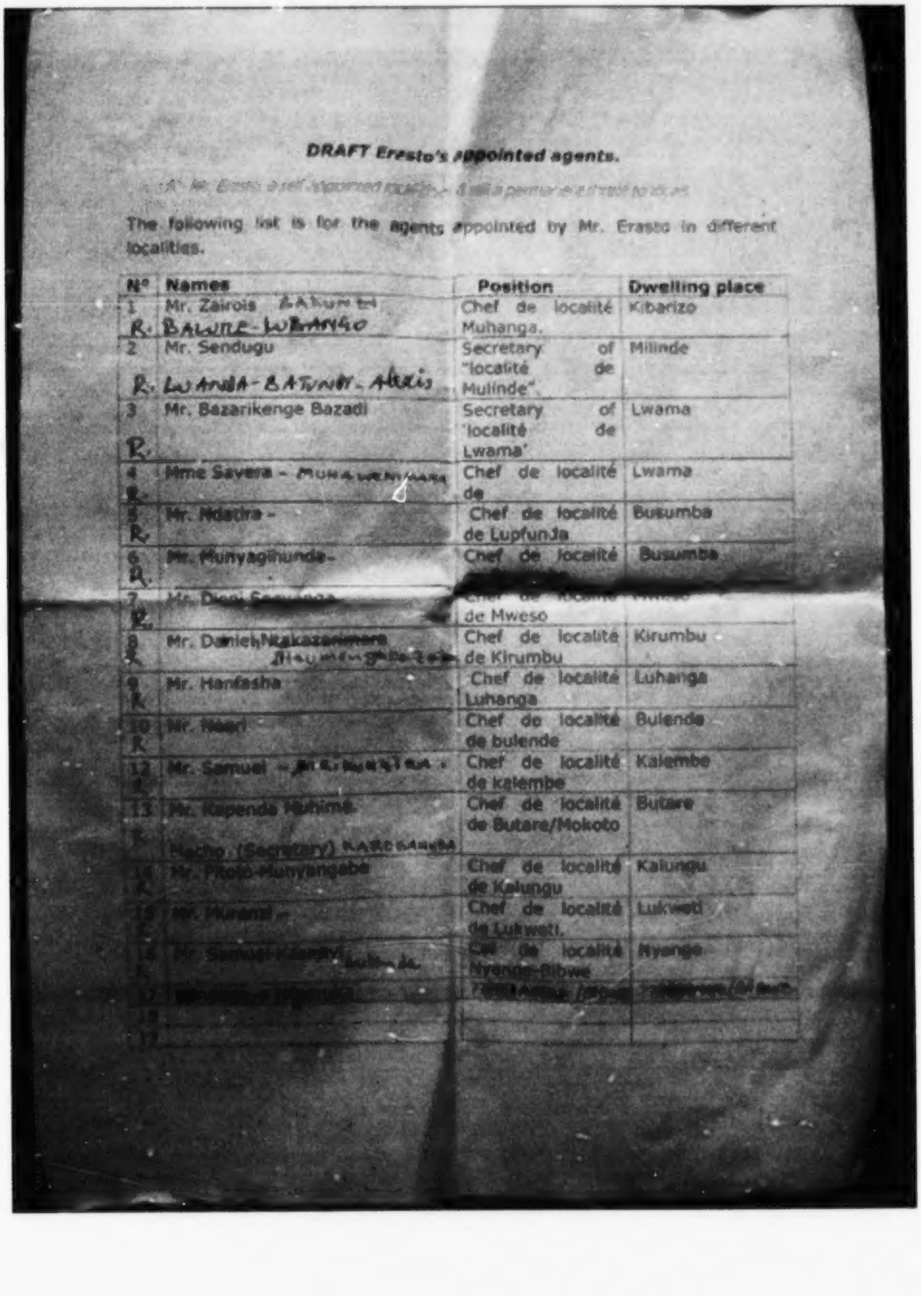


Ndimi chef de Famille
et
pacificateur
NTIBATURANA - ERASTO.

NTIBATURANA ERASTO
PACIFICATEUR ET
CHEF DE FAMILLE
[illegible]

Annex 66

List of local chiefs in northern Masisi appointed by Ntibaturana and loyal to him



DRAFT Erasto's appointed agents.

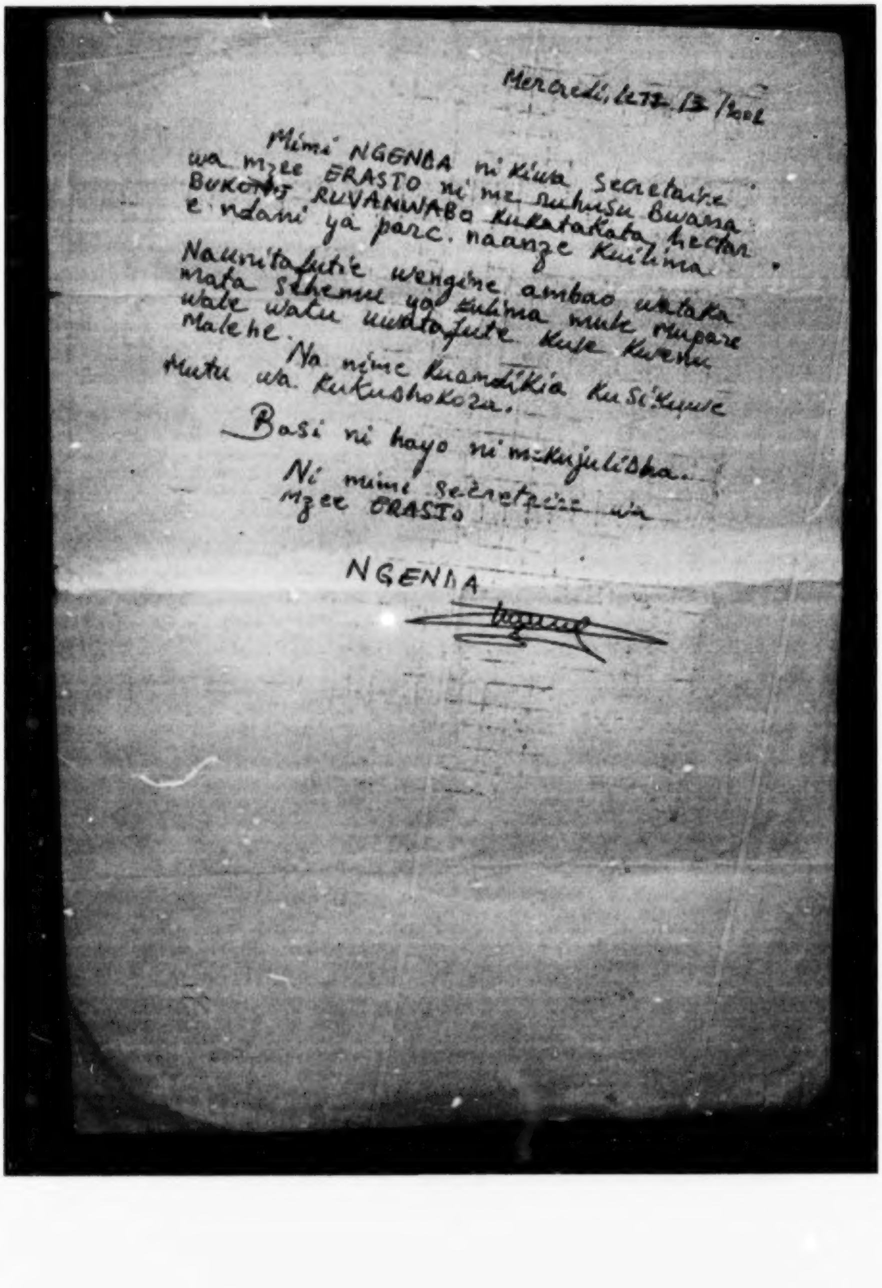
[illegible]

The following list is for the agents appointed by Mr. Erasto in different localities.

N°	Names	Position	Dwelling place
1 R.	Mr. Zairois [illegible] BALUIRE-WBANGO	Chef de localité Muhanga.	Kibarizo
2 R.	Mr. Sendugu LWANDA-BATUNDI-ALEXIS	Secretary of "localité de Mulinde".	Milinde
3 R.	Mr. Bazarikenge Bazadi	Secretary of 'localité de Lwama'	Lwama
4 R.	Mme Savera - MUHAWENIMANA	Chef de localité de	Lwama
5 R.	Mr. Ndatira -	Chef de localité de Lupfunja	Busumba
6 R.	Mr. Munyagihunde-	Chef de localité [illegible]	Busumba
7 R.	Mr. [illegible]	[illegible] de Mweso	[illegible]
8 R.	Mr. Daniel Ntakazenimana [illegible]	Chef de localité de Kirumbu	Kirumbu
9 R.	Mr. Hanfasha	Chef de localité Luhanga	Luhanga
10 R.	Mr. Ndari	Chef de localité de bulende	Bulende
12 R.	Mr. Samuel - [illegible]	Chef de localité de kalembe	Kalembe
13 R.	Mr. Kapenda Muhime. Macho (Secretary) KAREKANGWA	Chef de localité de Butare/Mokoto	Butare
14 R.	Mr. Pkoto-Munyangabe	Chef de localité de Kalungu	Kalungu
15 R.	Mr. Murenzi –	Chef de localité de Lukweti.	Lukweti
16 R.	Mr. Samuel-Kasanyi [illegible]	Chef de localité Nyange-Bibwe	Nyange
17	[illegible]	[illegible]	[illegible]
18			
19			

Annex 67

Letter dated 2001 and signed by Ntibaturana's secretary, showing that Ntibaturana had already distributed land at that time



Mercredi, le 12. 13 /2001

Mimi NGENBA ni kiwa Secretaire wa mzee ERASTO nime ruhusu Bwana BUKOMJ RUVANWABO kukatakata hectare ndani ya parc. naanze kulima.

Naunitafutie wengine ambao wataka mata sehemu ya kulima mule mupare wale watu wakutafute kule kwenu Malehe.

Na nime kuandikia kusikuwe Mutu wa kukushokoza.

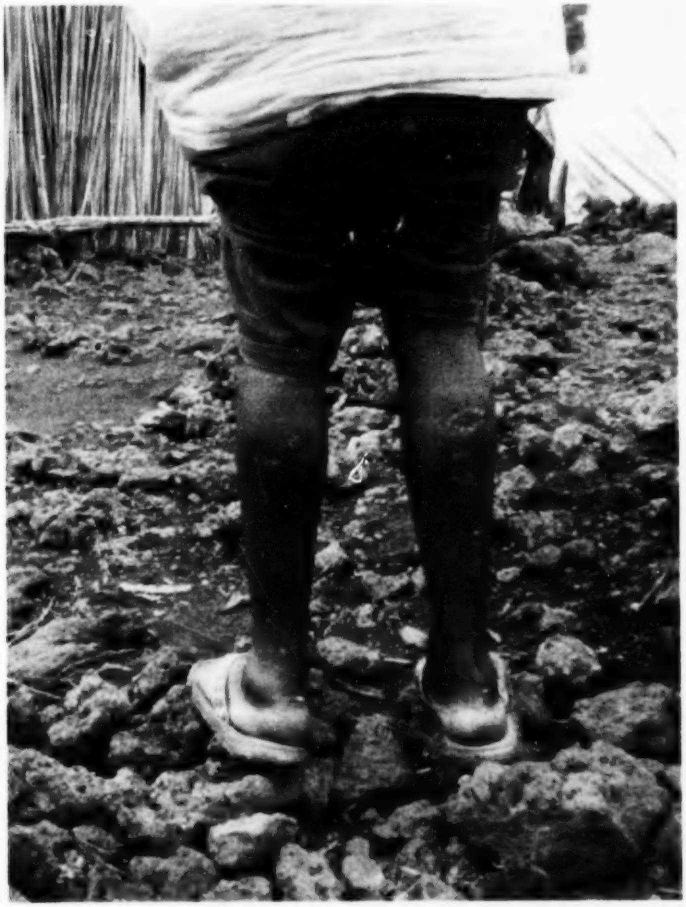
Basi ni hayo ni mekujulisha.

Ni mimi secretaire wa mzee ERASTO

NGENDA

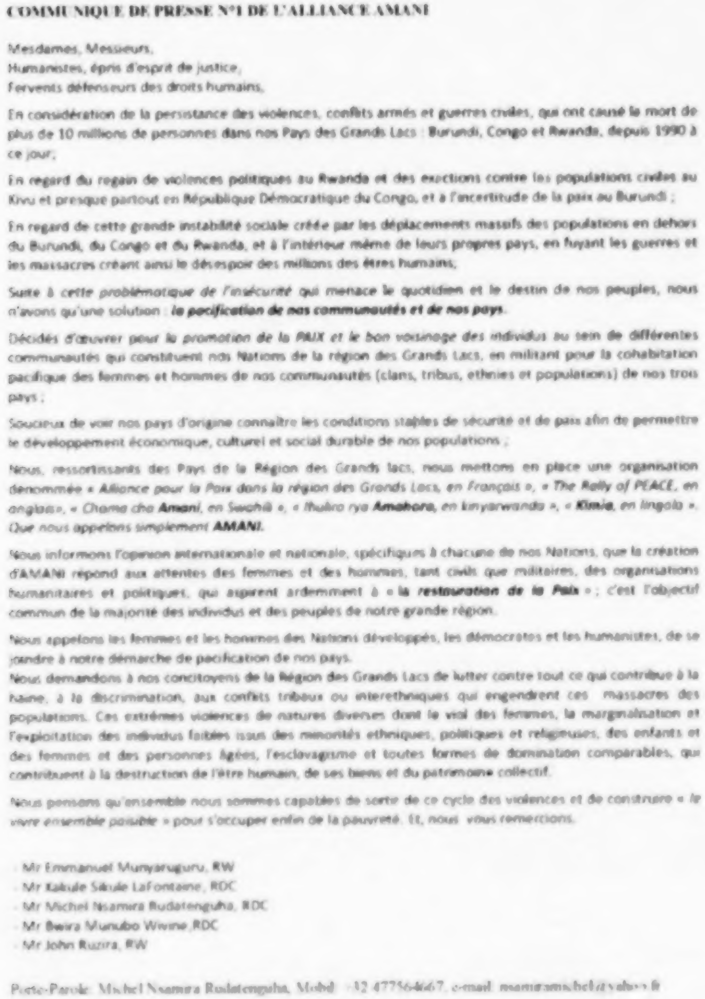
Annex 68

Injuries suffered by a man tortured by Ntibaturana's militia because he had complained to UN-Habitat after Ntibaturana had stolen his field



Annex 69

"Alliance Amani" communiqué of October 2011, listing Lafontaine as a signatory



COMMUNIQUE DE PRESSE N°1 DE L'ALLIANCE AMANI

Mesdames, Messieurs,
Humanistes, épris d'esprit de justice,
Fervents défenseurs des droits humains,

En considération de la persistance des violences, conflits armés et guerres civiles, qui ont causé le mort de plus de 10 millions de personnes dans nos Pays des Grands Lacs : Burundi, Congo et Rwanda, depuis 1990 à ce jour;

En regard du regain de violences politiques au Rwanda et des exactions contre les populations civiles au Kivu et presque partout en République Démocratique du Congo, et à l'incertitude de la paix au Burundi ;

En regard de cette grande instabilité sociale créée par les déplacements massifs des populations en dehors du Burundi, du Congo et du Rwanda, et à l'intérieur même de leurs propres pays, en fuyant les guerres et les massacres créant ainsi le désespoir des millions des êtres humains;

Suite à cette *problématique de l'insécurité* qui menace le quotidien et le destin de nos peuples, nous n'avons qu'une solution : ***la pacification de nos communautés et de nos pays***.

Décidés d'œuvrer *pour la promotion de la PAIX et le bon voisinage des individus* au sein de différentes communautés qui constituent nos Nations de la région des Grands Lacs, en militant pour la cohabitation pacifique des femmes et hommes de nos communautés (clans, tribus, ethnies et populations) de nos trois pays ;

Soucieux de voir nos pays d'origine connaître les conditions stables de sécurité et de paix afin de permettre le développement économique, culturel et social durable de nos populations ;

Nous, ressortissants des Pays de la Région des Grands lacs, nous mettons en place une organisation dénommée « *Alliance pour la Paix dans la région des Grands Lacs, en Français* », « *The Rally of PEACE, en anglais*», « *Chama cha* ***Amani****, en Swahili* », « *Ihuliro rya* ***Amahoro****, en kinyarwanda* », « ***Kimia****, en lingala* ». *Que nous appelons simplement* ***AMANI.***

Nous informons l'opinion internationale et nationale, spécifiques à chacune de nos Nations, que la création d'AMANI répond aux attentes des femmes et des hommes, tant civils que militaires, des organisations humanitaires et politiques, qui aspirent ardemment à « **la restauration de la Paix** » ; c'est l'objectif commun de la majorité des individus et des peuples de notre grande région.

Nous appelons les femmes et les hommes des Nations développés, les démocrates et les humanistes, de se joindre à notre démarche de pacification de nos pays.
Nous demandons à nos concitoyens de la Région des Grands Lacs de lutter contre tout ce qui contribue à la haine, à la discrimination, aux conflits tribaux ou interethniques qui engendrent ces massacres des populations. Ces extrêmes violences de natures diverses dont le viol des femmes, la marginalisation et l'exploitation des individus faibles issus des minorités ethniques, politiques et religieuses, des enfants et des femmes et des personnes âgées, l'esclavagisme et toutes formes de domination comparables, qui contribuent à la destruction de l'être humain, de ses biens et du patrimoine collectif.

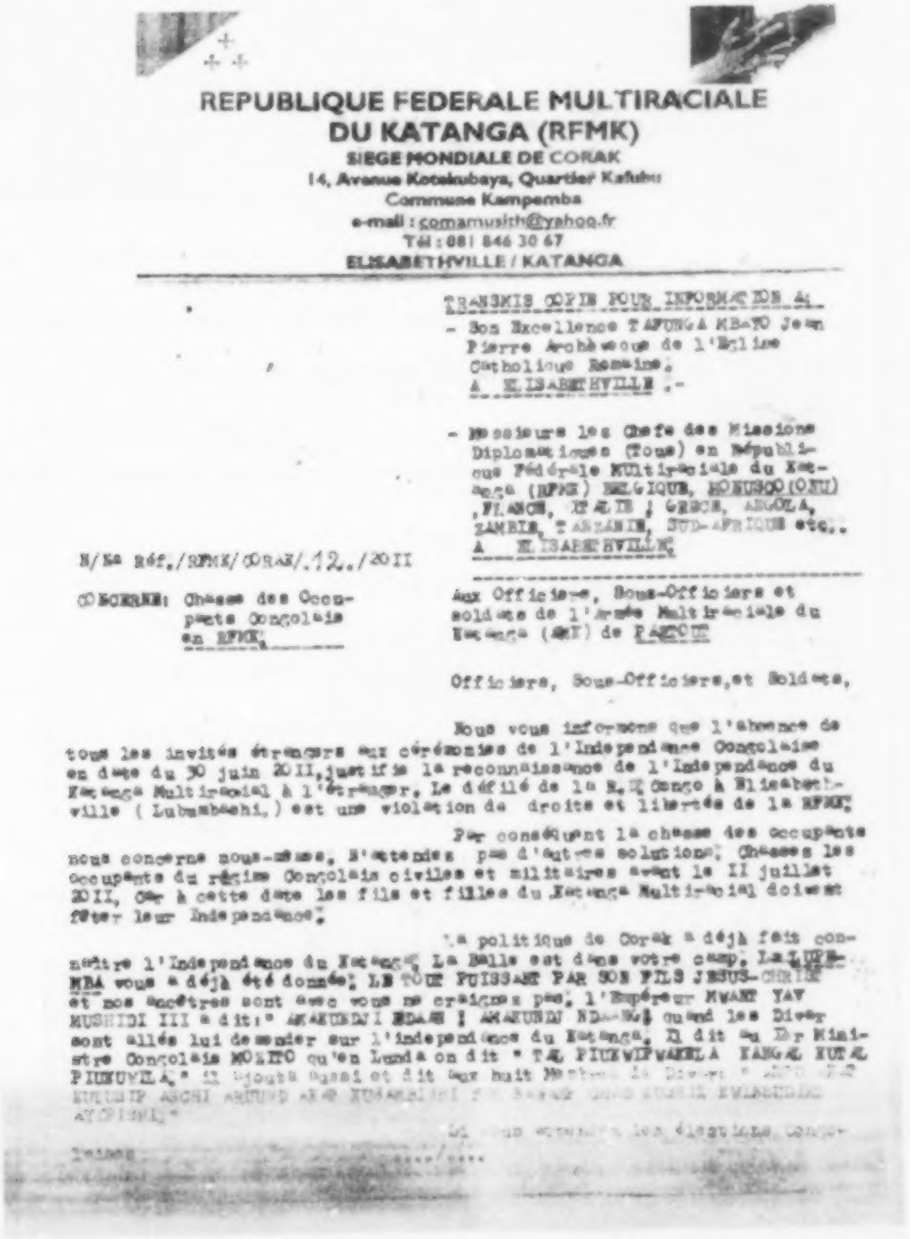
Nous pensons qu'ensemble nous sommes capables de sortir de ce cycle des violences et de construire « *le vivre ensemble paisible* » pour s'occuper enfin de la pauvreté. Et, nous vous remercions.

- Mr Emmanuel Munyaruguru, RW
- Mr Kakule Sikule LaFontaine, RDC
- Mr Michel Nsamira Rudatenguha, RDC
- Mr Bwira Munubo Wivine,RDC
- Mr John Ruzira, RW

Porte-Parole: Michel Nsamira Rudatenguha, Mobil: +32 477564667, e-mail: mamamichel@yahoo.fr

Annex 70

Letter announcing the establishment of an independent "Federal Multiracial Republic of Katanga"



REPUBLIQUE FEDERALE MULTIRACIALE
DU KATANGA (RFMK)
SIEGE MONDIALE DE CORAK
14, Avenue Kotakubaya, Quartier Kafubu
Commune Kampemba
e-mail : comamusith@yahoo.fr
Tél : 081 846 30 67
ELISABETHVILLE / KATANGA

TRANSMIS COPIE POUR INFORMATION A:

- Son Excellence TAFUNGA MBAYO Jean Pierre Archevêque de l'Eglise Catholique Romaine, A ELISABETHVILLE .-
- Messieurs les Chefs des Missions Diplomatiques (Tous) en République Fédérale Multiraciale du Katanga (RFMK) BELGIQUE, MONUSCO (ONU) ,FRANCE, ITALIE ; GRECE, ANGOLA, ZAMBIE, TANZANIE, SUD-AFRIQUE etc.. A ELISABETHVILLE

N/Réf./RFMK/CORAK/.12../20II

CONCERNE: Chasse des Occupants Congolais en RFMK.

Aux Officiers, Sous-Officiers et soldats de l'Armée Multiraciale du Katanga (AMK) de PARTOUT

Officiers, Sous-Officiers,et Soldats,

Nous vous informons que l'absence de tous les invités étrangers aux cérémonies de l'Independance Congolaise en date du 30 juin 20II,justifie la reconnaissance de l'Independance du Katanga Multiracial à l'étranger. Le défilé de la R.D Congo à Elisabethville (Lubumbashi.) est une violation de droits et libertés de la RFMK.

Par conséquent la chasse des occupants nous concerne nous-mêmes, N'attendez pas d'autres solutions. Chassez les occupants du régime Congolais civiles et militaires avant le II juillet 20II, car à cette date les fils et filles du Katanga Multiracial doivent fêter leur Independance.

La politique de Corak a déjà fait connaître l'Independance du Katanga. La Balle est dans votre camp. La LUPEMBA vous a déjà été donnée. LE TOUT PUISSANT PAR SON FILS JESUS-CHRIST et nos ancêtres sont avec vous ne craignez pas. l'Empereur MWANT YAV MUSHIDI III a dit:" AKAKUNDJI NDASH ! AKAKUNDJI NDASH! quand les Dieux sont allés lui demander sur l'independance du Katanga. Il dit au 1er Ministre Congolais MOZITO qu'en Lunda on dit " TAL PIUKWIPWAKELA KANGAL KUTAL PIUKUYILA." Il ajoute aussi et dit aux huit Ministres de Dieu: " [illegible] [illegible] ASCHI [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]."

Si vous attendez les élections Congolaises ..../....

- 2 -

se dérouler dans notre pays la République Fédérale Multiraciale du Katanga (RFMK). Nous serons définititement attachés au Congo et le régime congolais va nous exterminer clandestinement. Faisons attention! car les Congolais peuvent faire ce qu'ils ont fait aux Chinois qui exploitent gratuitement les minerais du Lualaba(Kolwezi). Ils peuvent faire la même chose à nos frères Capitalistes conviés au Multiracialisme et alors nous resterons définitivement esclaves des Congolais.

Nous demandons à nos frères et soeurs Capitalistes de ne pas trop empêcher aux Tigres et Gendarmes Katangais d'attaquer pour la libération de la RFMK. Il ne faut pas accepter les mensonges des Congolais Lumumbistes. Ils sont vos ennemis, ils ne changeront jamais. Corak est la dernière chance de l'amour d'un noir envers un homme blanc. Car Corak connait avec exactitude d'une même descendance de l'homme Blanc et homme noir.

Bon courage pour la libération de la République Fédérale Multiraciale du Katanga (RFMK).

Fait à Elisabethville, le 01 Juillet 2011

LE MINISTRE DU MULTIRACIALISME DE LA RFMK, VICE-COORDINATEUR INTERIMAIRE ET MEMBRE EFFECTIF DE CORAK.

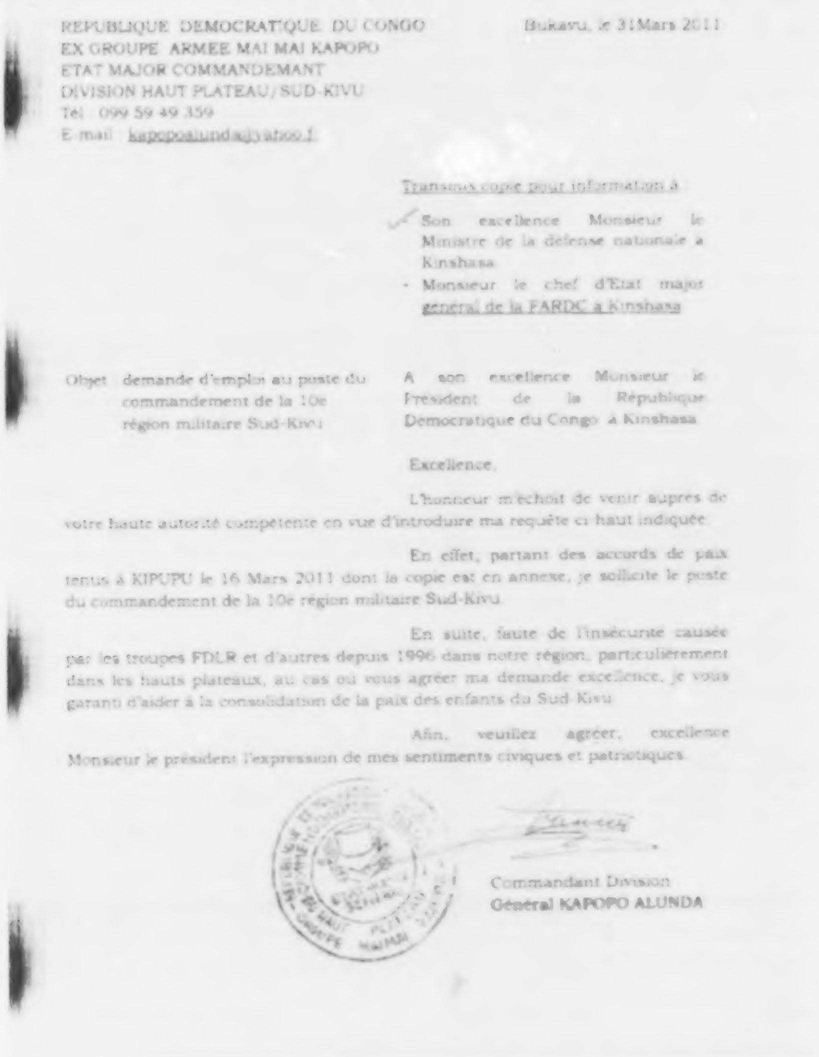
Maître KASONGO YUMBA PASCAL MUKOKO.

LE PRESIDENT DE LA RFMK FONDATEUR DE CORAK.

Rév. MATUKA KUBAKA TSHITSHI SIMON.-

Annex 71

Letter from Mai Mai Kapopo commander "General Kapopo Alunda", requesting the post of 10th Military Region Commander for all of South Kivu province



REPUBLIQUE DEMOCRATIQUE DU CONGO
EX GROUPE ARMEE MAI MAI KAPOPO
ETAT MAJOR COMMANDEMANT
DIVISION HAUT PLATEAU / SUD-KIVU
Tel : 099 59 49 359
E-mail : kapopoalunda@yahoo.f

Bukavu, le 31Mars 2011

Transmis copie pour information à :

- Son excellence Monsieur le Ministre de la défense nationale à Kinshasa
- Monsieur le chef d'Etat major général de la FARDC à Kinshasa

Objet : demande d'emploi au poste du commandement de la 10e région militaire Sud-Kivu

A son excellence Monsieur le Président de la République Démocratique du Congo à Kinshasa

Excellence,

L'honneur m'échoit de venir auprès de votre haute autorité compétente en vue d'introduire ma requête ci haut indiquée.

En effet, partant des accords de paix tenus à KIPUPU le 16 Mars 2011 dont la copie est en annexe, je sollicite le poste du commandement de la 10e région militaire Sud-Kivu.

En suite, faute de l'insécurité causée par les troupes FDLR et d'autres depuis 1996 dans notre région, particulièrement dans les hauts plateaux, au cas où vous agréer ma demande excellence, je vous garanti d'aider à la consolidation de la paix des enfants du Sud-Kivu.

Afin, veuillez agréer, excellence Monsieur le président l'expression de mes sentiments civiques et patriotiques.

Commandant Division
Général KAPOPO ALUNDA

Annex 72

Data from FARDC sources for North Kivu indicating that ex-CNDP officers have been appointed to 36 per cent of the command positions, while ex-Government officers have been appointed to 48 per cent of the command positions

Sect	Localisation	Fonction		Nom & PostNom	Grade	Prov d'Origine	Ter Origine	Ethnie/Tribu	EX COMPOSANTE
		Ancienne	Actuelle						
		2nd Ops & Rens 22Ops	Comd Sect	Eric RUHORIMBERE	Col	SK	FIZI	TUTSI	CNDP
		Dipo Coord AMANI	2nd Ops & Rens	MUGABO BAGUMA Hassan	Col	NK	MASISI	HUTU	PARECO
		2nd Adm Log 12Ops	2nd Adm & Log	KABALEGA NZAMA Freddy	Col	OR	IRUMU	LENDU	Gouv
		Adjt T2 12Ops	Chef S2	BULAMBO KALISIA Janvier	Maj	NK	MASISI	HUNDE	Gouv
S1 Sect	BENI	T3 12 Sect	Chef S3	BOANDE NGELINGA	LtCol	OR	BOENDE	MONGO	Gouv
		Comd 12Ops	Comd Sect	Yav Philo	Col	KATANGA	KAPANGA	RUND	Gouv
		Chef Cel Rens Coord	2nd Ops & Rens	SENGIYUMVA BUGABU William	Col	NK	MASISI	TUTSI	CNDP
		ChefEM Ops NK	2nd Adm & Log	TSHOMBA MULAMBA	Col	MANIEMA	KIBOMBO	KUSU	Gouv
S2 Sect	RUTSHURU	T2 22Ops	Chef S2	SECOPER MIHIGO	LtCol	NK	RUTSHURU	TUTSI	CNDP
		T3 12Ops	Chef S3	SILA KABAMUSUA	LtCol	K OCC	TSHILENGE	LUBAKAS	Gouv
		Adjt Ops Rens 22 Sect	Comd Sect	NGARUYE Baudouin	Col	NK	MASISI	TUTSI	CNDP
		Adjt Log 22Ops	2nd Ops & Rens	KATEO SUMAHELI Sengos	Col	SK	KALEHE	TEMBO	MAI MAI
		Offi Log Coord	2nd Adm & Log	KABAYIZA MOFITI Joseph	LtCol	NK	MASISI	TUTSI	CNDP
		Dipo Coord AMANI	Chef S2	AMANI KAVESWA	LtCol	NK	MASISI	HUTU	PARECO
S3 Sect	MASISI	Bn 3 23Sect	Chef S3	BAMPETE Guy	LtCol	MANIEMA	KABAMBARE	BANGUBANGU	Gouv
		Comd 22Ops	Comd Sect	CHUMA BALUMISA	Col	SK	KALEHE	TEMBO	Gouv
		2nd Ops Rens 23 Sect	2nd Ops & Rens	MANZI Antoine	Col	NK	MASISI	TUTSI	CNDP
		2nd Adm Log 21 Sect	2nd Adm & Log	BIHENDO MIKOMBERE	Col	NK	WALIKALE	NYANGA	Gouv
S4 Sect	WALIKALE	Chef T2 22Ops	Chef S2	KIBOKO MBERA Douglas	Maj	NK	RUTSHURU	TUTSI	CNDP
		Bn 3 23Sect	Chef S3	MUKALAY NGOY	LtCol	KATANGA	KABALO	LUBA KAT	Gouv
S5Sect	LUBERO	Comd 13Sect	Comd Sect	KIHANGA SMITH	Col	NK	RUTSHURU	HUTU	Gouv
			2nd Ops & Rens	MPAKA WA MPAKA NELSON	Col	NK	MASISI	HUTU	CNDP
			2nd Adm & Log	SENGOS	Col	SK	KALEHE	TEMBO	MAI MAI
			Chef EM	BOSEKOTA	Col	EQ	BOKUNGU	MONGO	Gouv

Gouv : 12/25 Soit 48% CNDP : 09/25 Soit 36% PARECO : 02/25% Soit 08%

Commentaire : Le CNDP apparaît avantageux en poste par rapport aux autres composantes d'où vient une frustration et mecontentement

Suggestion : Un partage équitable et équilibré des postes s'avère indispensable car la position qu'occupe le CNDP lui facilite l'achat de conscience des certains Offi aigris des autres composantes

Annex 73

Two tables showing the percentage of commanders with previous armed group affiliations[a]

STATISTIQUE DES POSTES PAR Ex COMPOSANTE DANS LES REGIMENTS AU NORD-KIVU I VAGUE

2003	81 Sect	82 Sect	83 Sect	84 Sect	801 Regt	802 Regt	803 Regt	804 Regt	805 Regt	806 Regt	Proportion	
Gov	1	3		1	6	4			5	8	**28**	**15.22%**
MLC					2		1		2	5	**10**	**5.43%**
UPC									1	6	**7**	**3.80%**
FNI	1									2	**3**	**1.63%**
RDC/KML	1				1						**2**	**1.09%**
RCD GOMA	1	2	4	3	13	21	25	25	18	3	**115**	**62.50%**
PARECO	1							2			**3**	**1.65**
MAI-MAI			1	1	8	1	1		1	2	**15**	**8.15%**
FRC										1	**1**	**0.54%**
	5	**5**	**5**	**5**	**30**	**26**	**27**	**27**	**27**	**27**	**184**	**100%**

STATISTIQUE DES POSTES PAR Ex COMPOSANTE
DANS LES REGIMENTS AU NORD-KIVU II VAGUE

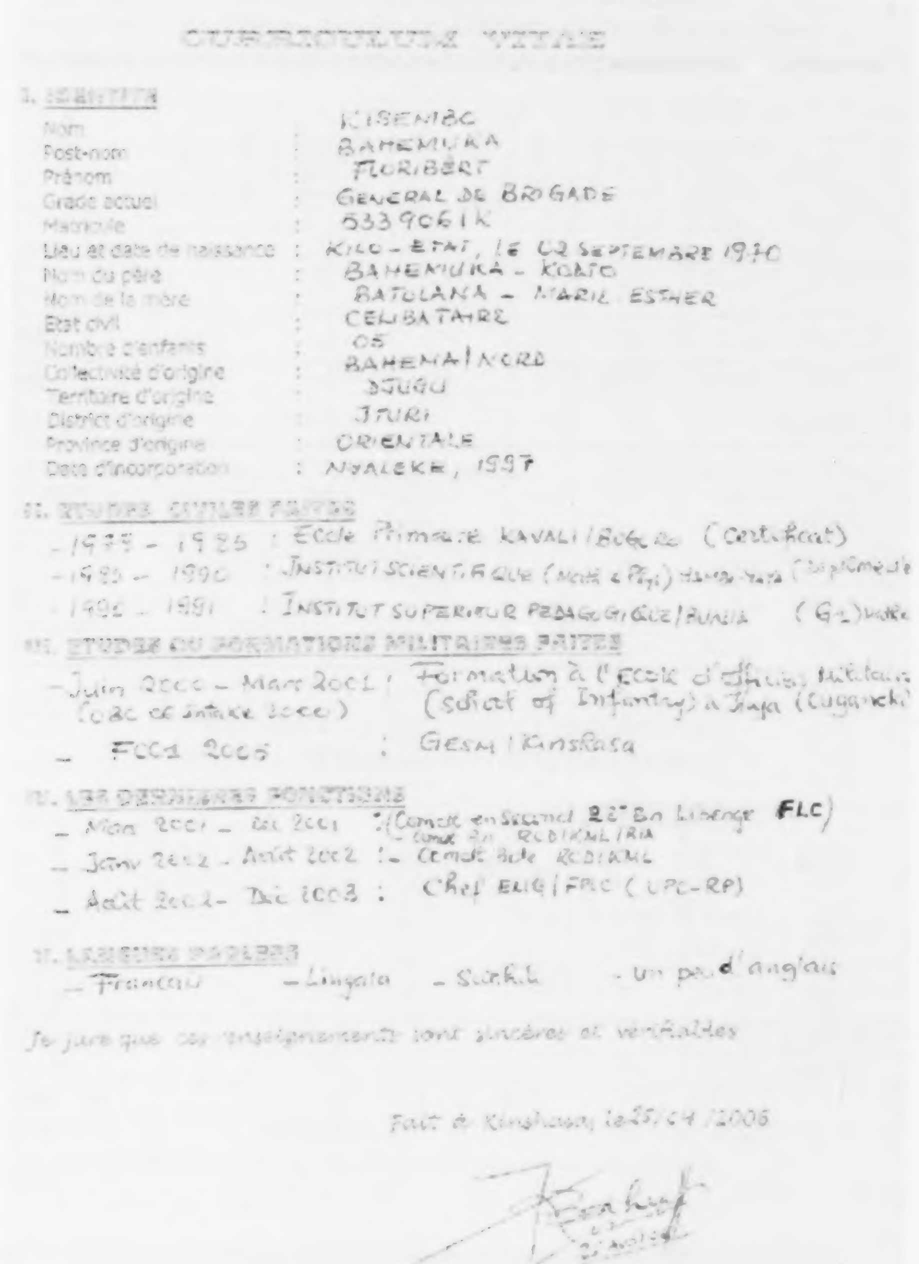
2003	Regt NYALEKE	Regt BULINDI	Regt RUMANGABO	Regt MUBAMBIRO	Regt NGUNGU	Regt MWESO	Regt WALIKALE	Proportion	
Gov	1			1		2		4	**8.89%**
MLC	1							1	**2.22%**
RCD	4	7	5	5	4	3	5	33	**73.33%**
RCD/KML	1							1	**2.22%**
MAI-MAI			1		1	2	1	5	**11.11%**
	7	**7**	**6**	**6**	**6**	**7**	**7**	**45**	**100%**

---

[a] The majority of commanders in the FARDC following the first and second wave of newly created FARDC regiments are previously from the RCD rebellion.

Annex 74

Curriculum vitae of General Kisembo in his handwriting



CURRICULUM VITAE

I. IDENTITE

Nom : KISEMBO
Post-nom : BAHEMUKA
Prénom : FLORIBERT
Grade actuel : GENERAL DE BRIGADE
Matricule : 5339061K
Lieu et date de naissance : KILO-ETAT, le 02 SEPTEMBRE 1970
Nom du père : BAHEMUKA - KOATO
Nom de la mère : BATULANA - MARIE ESTHER
Etat civil : CELIBATAIRE
Nombre d'enfants : 05
Collectivité d'origine : BAHEMA/NORD
Territoire d'origine : DJUGU
District d'origine : ITURI
Province d'origine : ORIENTALE
Date d'incorporation : NYALEKE, 1997

II. ETUDES CIVILES FAITES

- 1979 - 1985 : Ecole Primaire KAVALI/BOGORO (Certificat)
- 1985 - 1990 : INSTITUT SCIENTIFIQUE (Math & Phys) [illegible] (Diplômé
- 1990 - 1991 : INSTITUT SUPERIEUR PEDAGOGIQUE/BUNIA (G1) [illegible]

III. ETUDES OU FORMATIONS MILITAIRES FAITES

- Juin 2000 - Mars 2001 (OBC of intake 2000) : Formation à l'Ecole d'Officiers Militaires (School of Infantry) à Jinja (Ouganda)
- FCC1 2005 : GESM/Kinshasa

IV. LES DERNIERES FONCTIONS

- Mars 2001 - Déc 2001 : (Comdt en second 22e Bn Lisenge FLC) - Comdt Bn RCD/KML/RIA
- Janv 2002 - Août 2002 : - Comdt Bde RCD/KML
- Août 2002 - Déc 2003 : Chef EMG/FPLC (UPC-RP)

V. LANGUES PARLEES

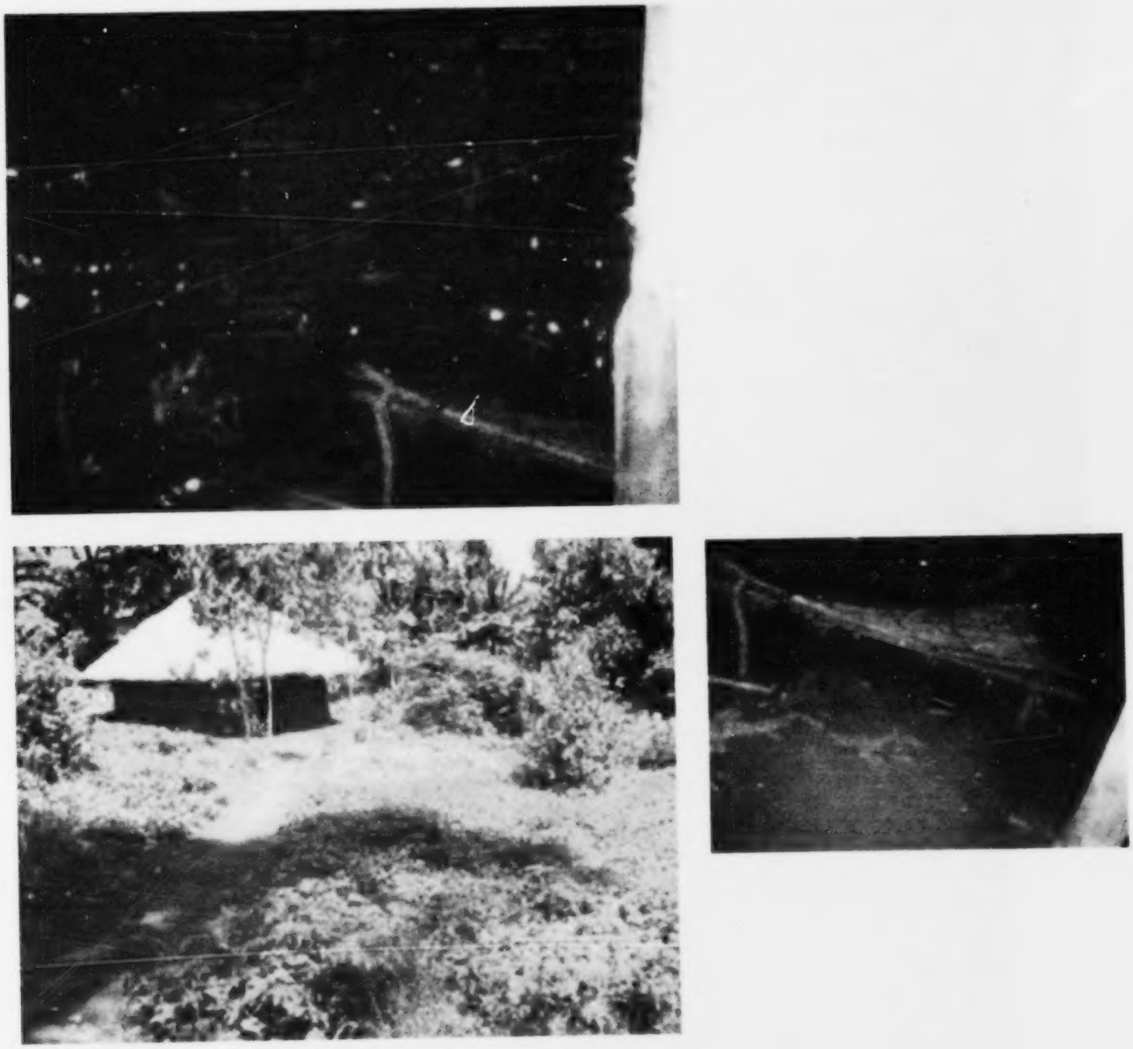
- Français - Lingala - Swahili - un peu d'anglais

Je jure que ces renseignements sont sincères et véritables

Fait à Kinshasa, le 25/04/2006

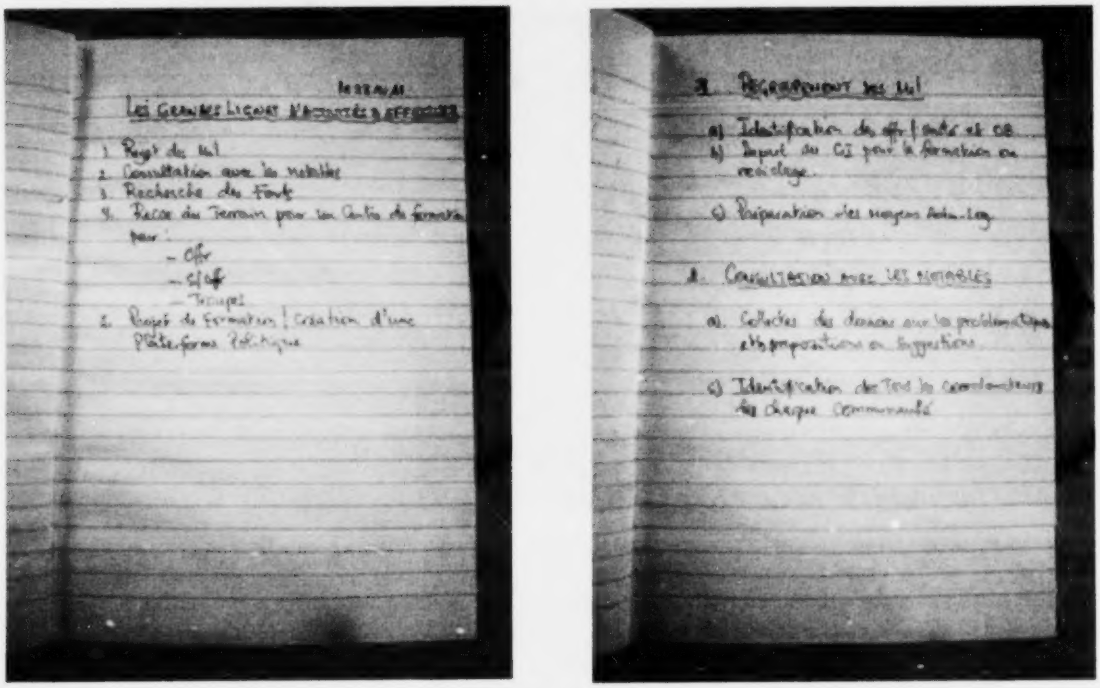
Annex 75

Hut in Lonyo where General Kisembo was staying on the evening he was killed



Annex 76

Excerpts from notes by General Kisembo, revealing plans for a new rebellion



[illegible]

Les Grandes Lignes [illegible]

1. Regpt des Ml
2. Consultation avec les notables
3. Recherche des Fonds
4. Recce du Terrain pour un Centre de formation pour :
   - Offr
   - S/Off
   - Troupes
5. Projet de Formation / Création d'une Plate-forme Politique

1. Regroupement des Ml

a) Identification des offr / s/offr et CB
b) Départ des CI pour la formation ou recyclage.

c) Préparation des moyens Adm-Log

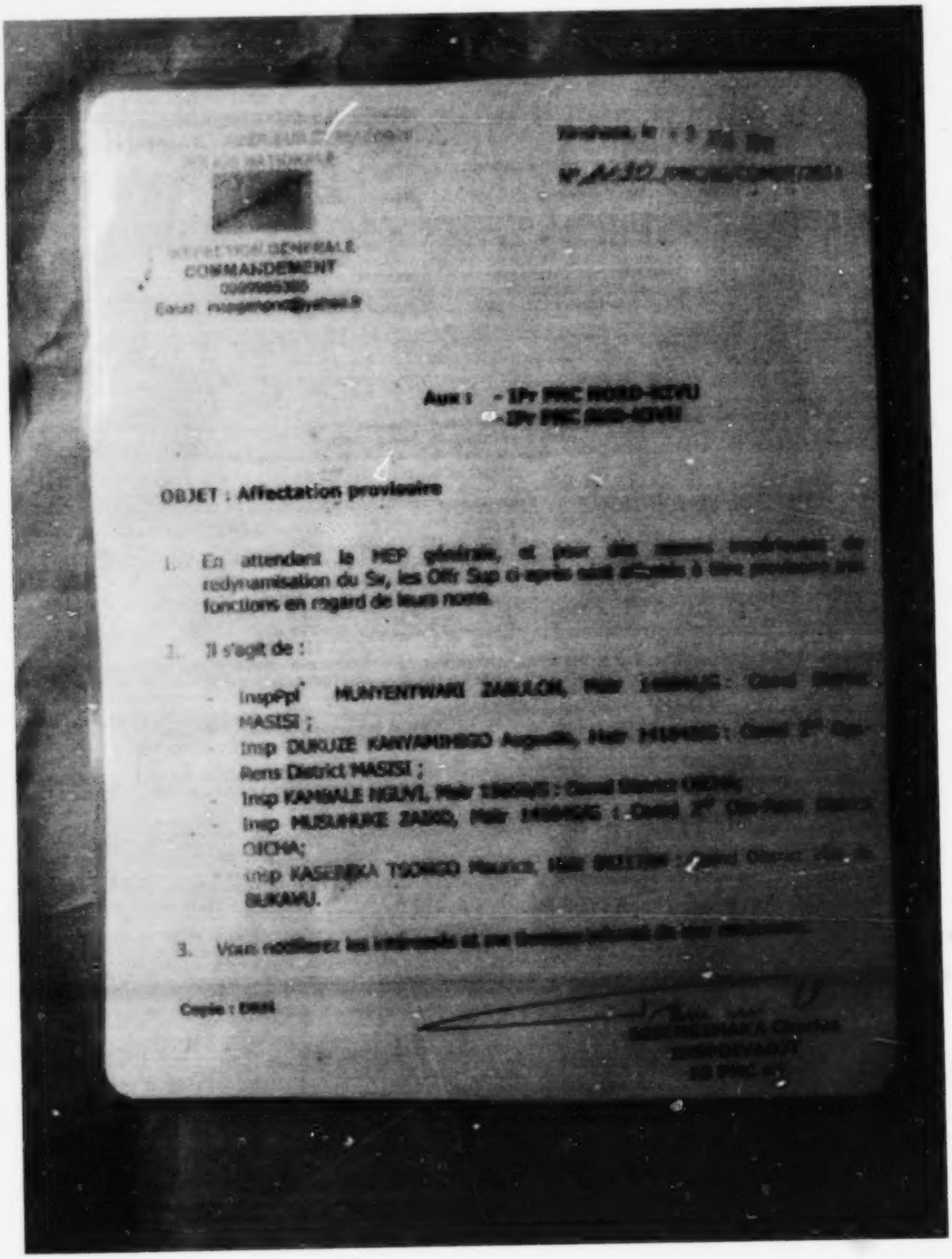
2. Consultation avec les notables

a). Collecter des données sur les problématiques et les propositions ou suggestions

c) Identification de tous les coordinateurs de chaque communauté

Annex 77

Letter posting Colonel Zabuloni as District Police Commander of Masisi territory



[illegible] GENERALE
COMMANDEMENT
[illegible]
Email: [illegible]

[illegible], le [illegible]
N° [illegible]

Aux : - IPr PNC NORD-KIVU
- IPr PNC [illegible]

OBJET : Affectation provisoire

1. En attendant la HEP générale, et pour des [illegible] [illegible] de redynamisation du Sv, les Offr Sup ci-après [illegible] [illegible] à titre provisoire [illegible] fonctions en regard de leurs noms.

2. Il s'agit de :

- InspPpl MUNYENTWARI ZABULON, Matr [illegible] : [illegible] [illegible] MASISI ;
- Insp DUKUZE KANYAMIHIGO Augustin, Matr [illegible] : Cmd 2nd Ops-Rens District MASISI ;
- Insp KAMBALE NGUVI, Matr [illegible] : Cmd District OICHA;
- Insp MUSUHUKE ZAKO, Matr [illegible] : Cmd 2nd Ops-Rens District OICHA;
- Insp KASEREKA TSONGO Maurice, Matr [illegible] : [illegible] BUKAVU.

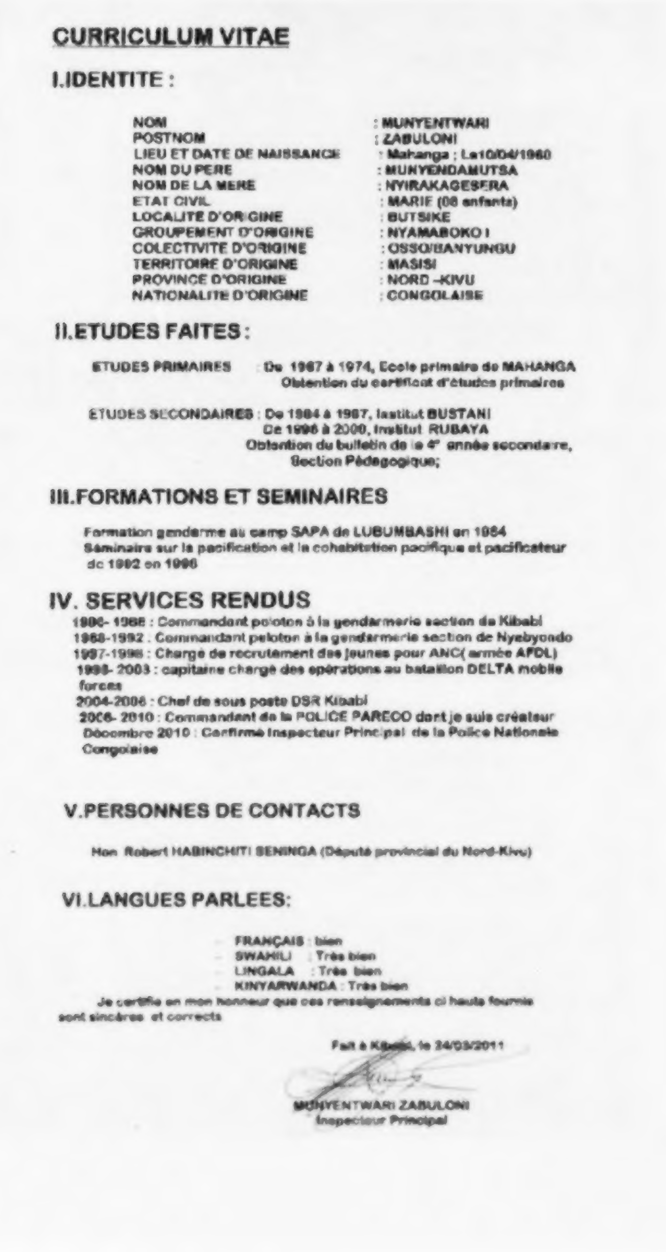
3. Vous notifierez les intéressés et me tiendrez informé de leur [illegible].

Copie : [illegible]

[illegible]
[illegible]
[illegible]

Annex 78

Curriculum vitae of former "parallel" police commander Colonel Zabuloni



CURRICULUM VITAE

I.IDENTITE :

NOM : MUNYENTWARI
POSTNOM : ZABULONI
LIEU ET DATE DE NAISSANCE : Mahanga ; Le10/04/1960
NOM DU PERE : MUNYENDAMUTSA
NOM DE LA MERE : NYIRAKAGESERA
ETAT CIVIL : MARIE (08 enfants)
LOCALITE D'ORIGINE : BUTSIKE
GROUPEMENT D'ORIGINE : NYAMABOKO I
COLECTIVITE D'ORIGINE : OSSO/BANYUNGU
TERRITOIRE D'ORIGINE : MASISI
PROVINCE D'ORIGINE : NORD –KIVU
NATIONALITE D'ORIGINE : CONGOLAISE

II.ETUDES FAITES :

ETUDES PRIMAIRES : De 1967 à 1974, Ecole primaire de MAHANGA
Obtention du certificat d'études primaires

ETUDES SECONDAIRES : De 1984 à 1987, Institut BUSTANI
De 1996 à 2000, Institut RUBAYA
Obtention du bulletin de la 4e année secondaire,
Section Pédagogique;

III.FORMATIONS ET SEMINAIRES

Formation gendarme au camp SAPA de LUBUMBASHI en 1984
Séminaire sur la pacification et la cohabitation pacifique et pacificateur de 1992 en 1996

IV. SERVICES RENDUS

1986- 1988 : Commandant peloton à la gendarmerie section de Kibabi
1988-1992 : Commandant peloton à la gendarmerie section de Nyabyondo
1997-1998 : Chargé de recrutement des jeunes pour ANC(armée AFDL)
1998- 2003 : capitaine chargé des opérations au bataillon DELTA mobile forces
2004-2006 : Chef de sous poste DSR Kibabi
2006- 2010 : Commandant de la POLICE PARECO dont je suis créateur
Décembre 2010 : Confirmé Inspecteur Principal de la Police Nationale Congolaise

V.PERSONNES DE CONTACTS

Hon Robert HABINCHITI SENINGA (Député provincial du Nord-Kivu)

VI.LANGUES PARLEES:

- FRANÇAIS : bien
- SWAHILI : Très bien
- LINGALA : Très bien
- KINYARWANDA : Très bien

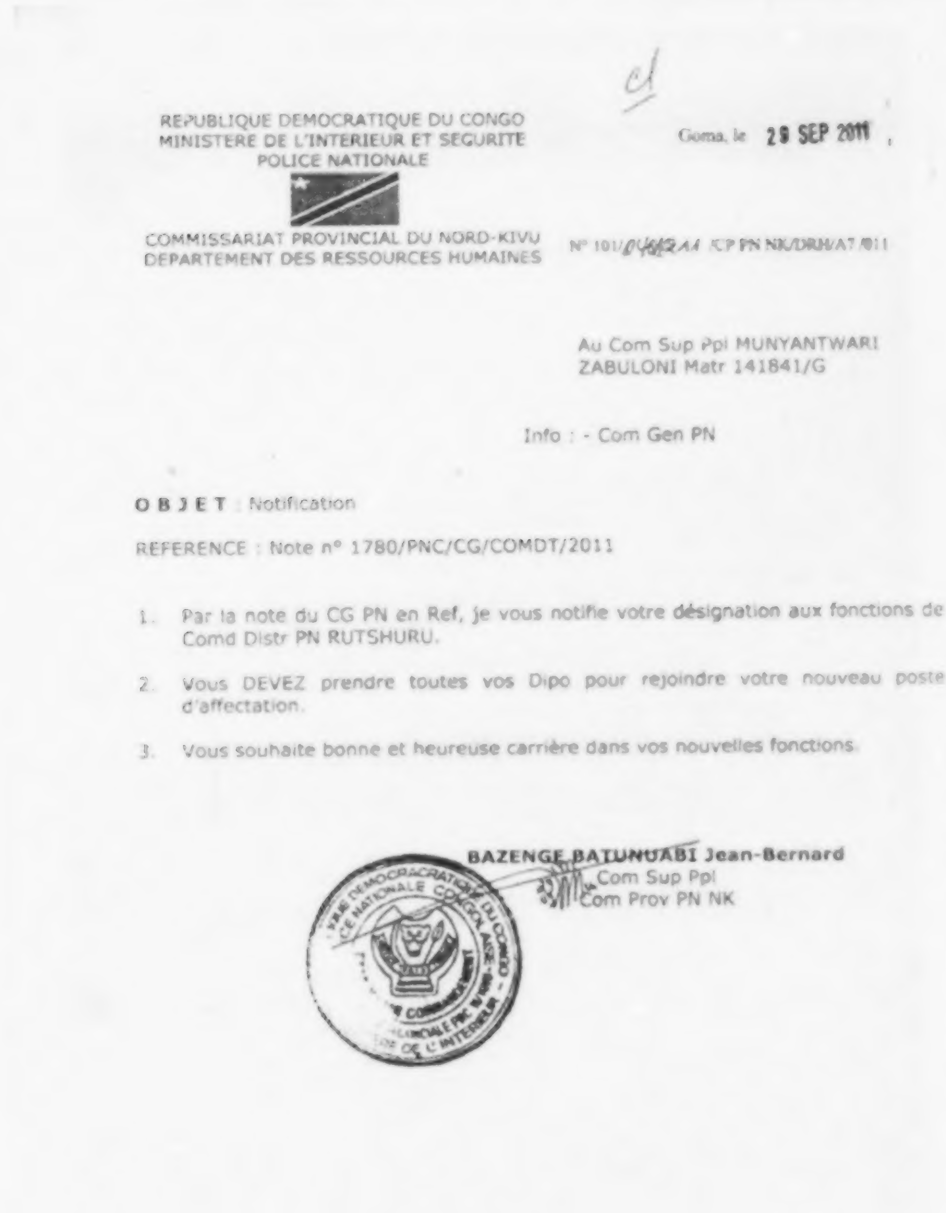
Je certifie en mon honneur que ces renseignements ci hauts fournis sont sincères et corrects

Fait à Kibabi, le 24/03/2011

MUNYENTWARI ZABULONI
Inspecteur Principal

Annex 79

Order for the deployment of Colonel Zabuloni to Rutshuru



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REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE L'INTERIEUR ET SECURITE
POLICE NATIONALE

COMMISSARIAT PROVINCIAL DU NORD-KIVU
DEPARTEMENT DES RESSOURCES HUMAINES

Goma, le 28 SEP 2011,

N° 101/[illegible] /CP PN NK/DRH/A7/011

Au Com Sup Ppl MUNYANTWARI
ZABULONI Matr 141841/G

Info : - Com Gen PN

O B J E T : Notification

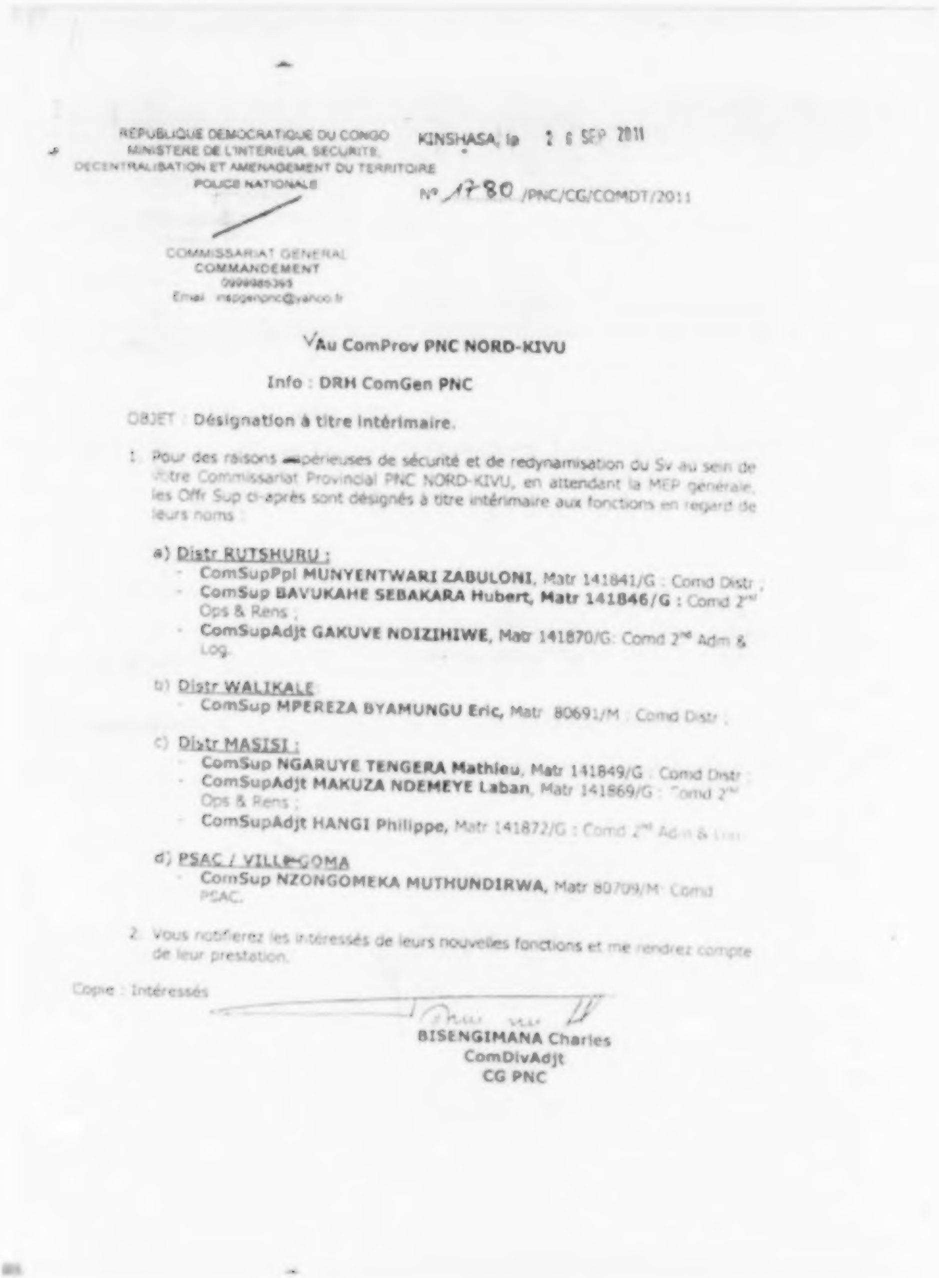
REFERENCE : Note n° 1780/PNC/CG/COMDT/2011

1. Par la note du CG PN en Ref, je vous notifie votre désignation aux fonctions de Comd Distr PN RUTSHURU.
2. Vous DEVEZ prendre toutes vos Dipo pour rejoindre votre nouveau poste d'affectation.
3. Vous souhaite bonne et heureuse carrière dans vos nouvelles fonctions.

BAZENGE BATUNUABI Jean-Bernard
Com Sup Ppl
Com Prov PN NK

Annex 80

New deployments of the Congolese national police in North Kivu orchestrated by General Ntaganda



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE L'INTERIEUR, SECURITE,
DECENTRALISATION ET AMENAGEMENT DU TERRITOIRE
POLICE NATIONALE

COMMISSARIAT GENERAL
COMMANDEMENT
0999985365
Email : inspgenpnc@yahoo.fr

KINSHASA, le 2 6 SEP 2011

N° 1780 /PNC/CG/COMDT/2011

√Au ComProv PNC NORD-KIVU

Info : DRH ComGen PNC

OBJET : **Désignation à titre intérimaire.**

1. Pour des raisons impérieuses de sécurité et de redynamisation du Sv au sein de votre Commissariat Provincial PNC NORD-KIVU, en attendant la MEP générale, les Offr Sup ci-après sont désignés à titre intérimaire aux fonctions en regard de leurs noms :

   a) **Distr RUTSHURU :**
   - **ComSupPpl MUNYENTWARI ZABULONI**, Matr 141841/G : Comd Distr ;
   - **ComSup BAVUKAHE SEBAKARA Hubert, Matr 141846/G :** Comd 2nd Ops & Rens ;
   - **ComSupAdjt GAKUVE NDIZIHIWE**, Matr 141870/G: Comd 2nd Adm & Log.

   b) **Distr WALIKALE**:
   - **ComSup MPEREZA BYAMUNGU Eric**, Matr 80691/M : Comd Distr ;

   c) **Distr MASISI :**
   - **ComSup NGARUYE TENGERA Mathieu**, Matr 141849/G : Comd Distr ;
   - **ComSupAdjt MAKUZA NDEMEYE Laban**, Matr 141869/G : Comd 2nd Ops & Rens ;
   - **ComSupAdjt HANGI Philippe**, Matr 141872/G : Comd 2nd Adm & Log

   d) **PSAC / VILLE-GOMA**
   - **ComSup NZONGOMEKA MUTHUNDIRWA**, Matr 80709/M: Comd PSAC.

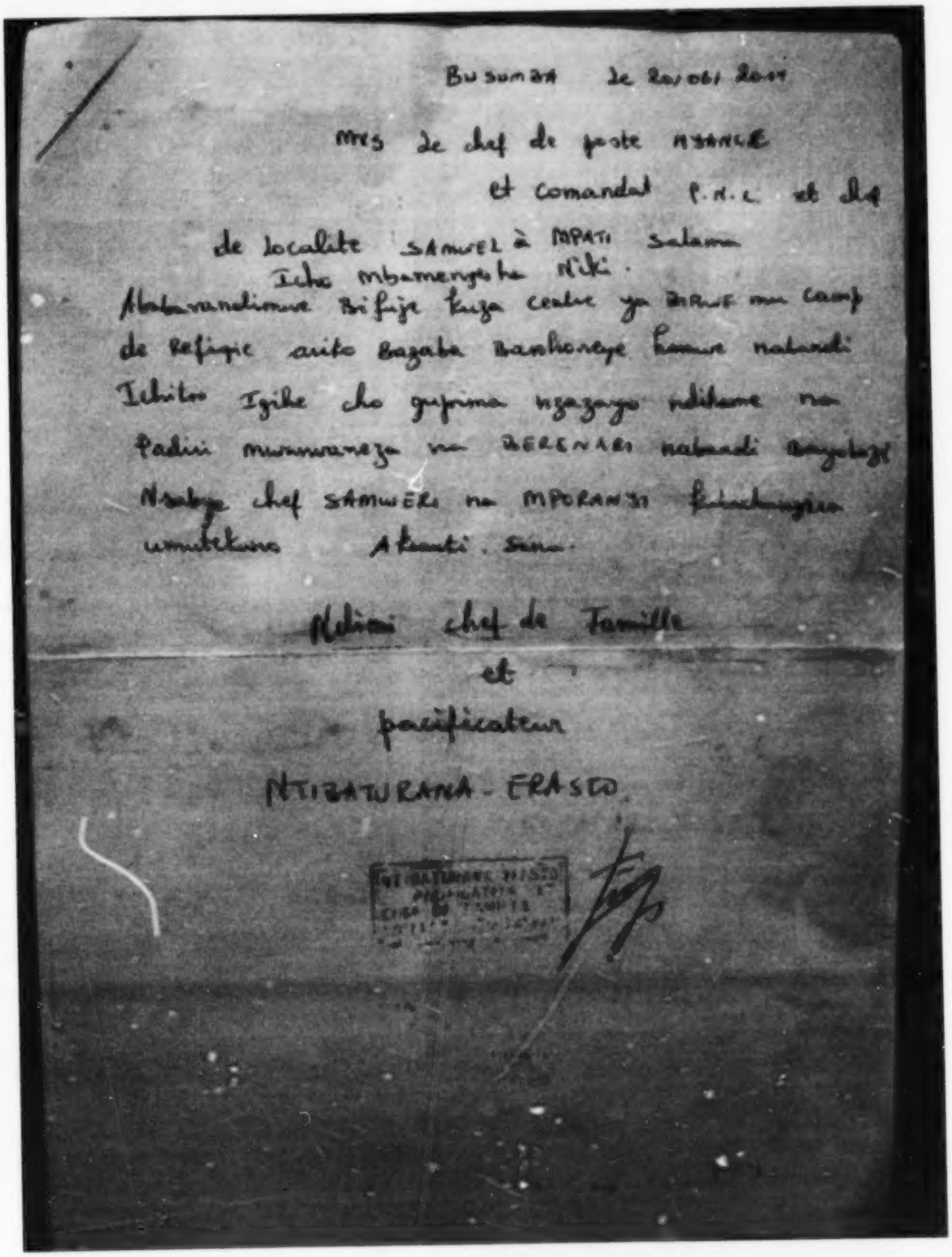
2. Vous notifierez les intéressés de leurs nouvelles fonctions et me rendrez compte de leur prestation.

Copie : Intéressés

BISENGIMANA Charles
ComDivAdjt
CG PNC

Annex 81

Letter signed by Ntibaturana telling local chiefs to secure returnees at Bibwe



Busuman le 20/06/2011

Mrs le chef de poste NYANGE
et comandant P.N.C et chef
de localite SAMUEL à MPATI Salama

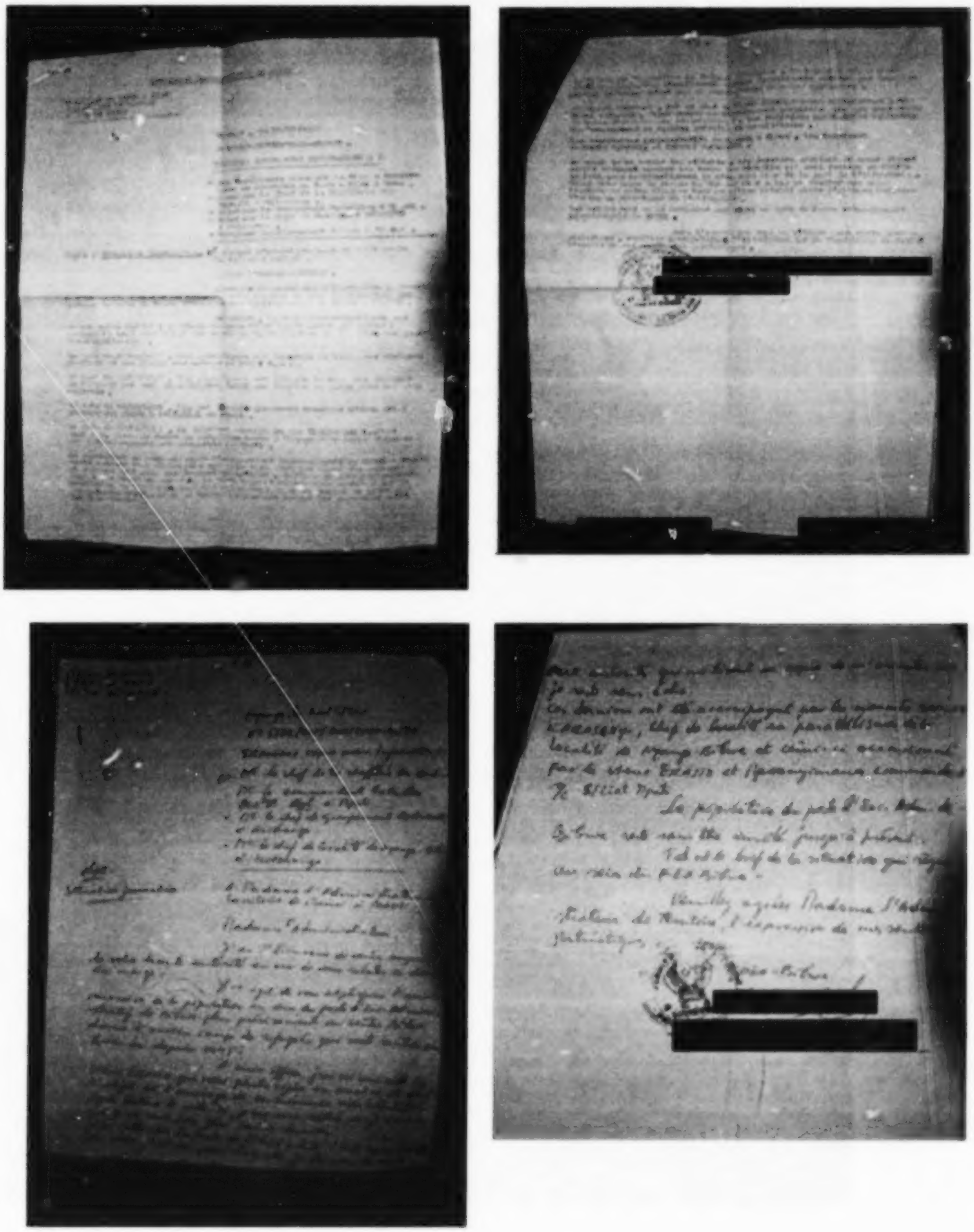
Icho mbamenyesha Niki.
Abatavandimwe Bifuje kuza centre ya BIBWE mu camp de Refugie aito Bagaba Banhoneye hamwe nabandi Ichitso Igihe cho gufuma nzazagu ndihamwe na Padiri muvunwaneza na BERENARI nabandi Bangulagi Nsaba chef SAMWERI na MPORANYI Kubacungira umutekano Akanti. Sana.

Ndimi chef de Famille
et
pacificateur
NTIBATURANA - ERASTO.

NTIBATURANA ERASTO
PACIFICATEUR ET
CHEF DE FAMILLE
[illegible]

Annex 82

Letters outlining the plan to instal "returnees" at Bibwe

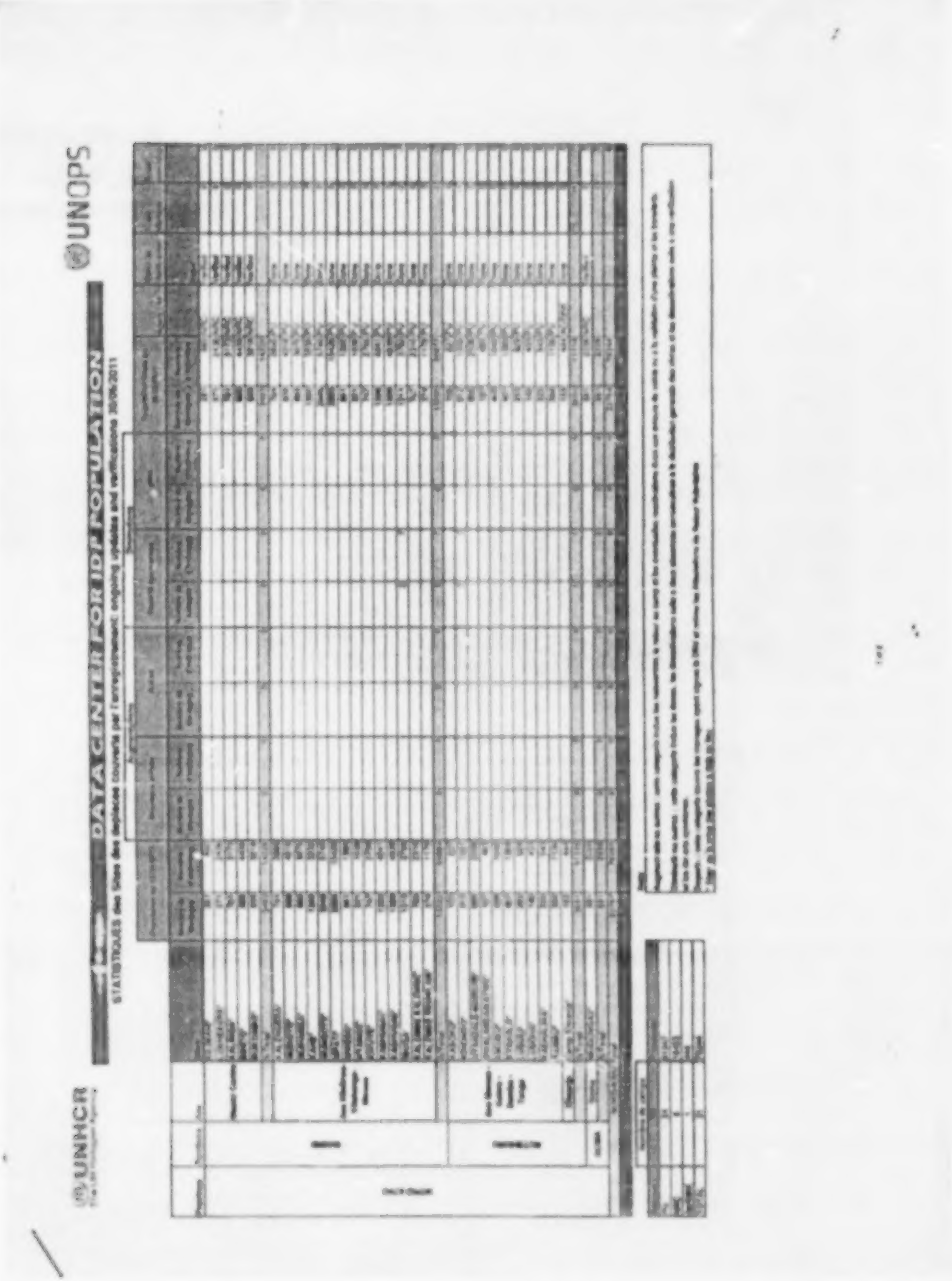


[redacted]

[redacted]

Annex 83

Statistics relating to internally displaced persons living in camps throughout Masisi territory

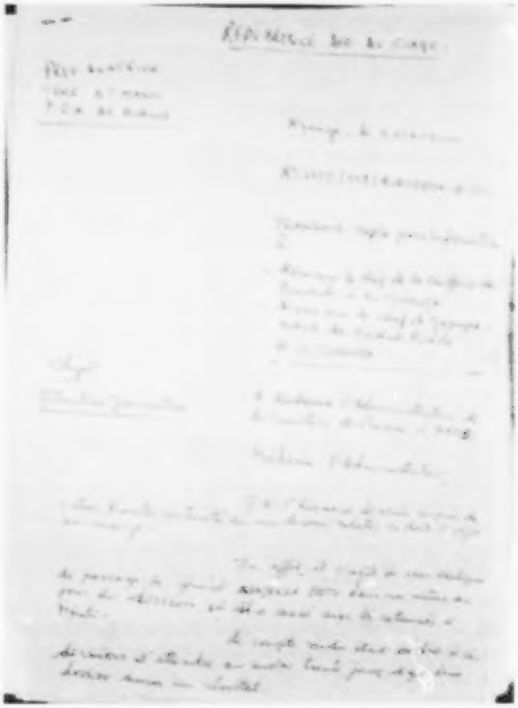


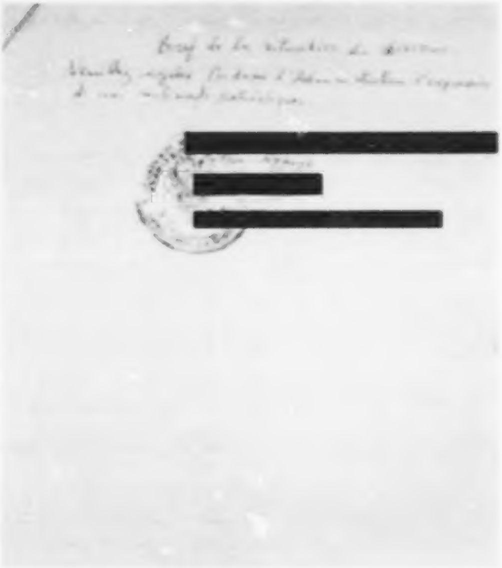
DATA CENTER FOR IDP POPULATION

STATISTIQUES des Sites des déplacés couverts par l'enregistrement; ongoing updates and verifications 30/06/2011

Annex 84

Notes concerning a meeting between a delegation led by General Bosco Ntaganda and the Bibwe "returnees"

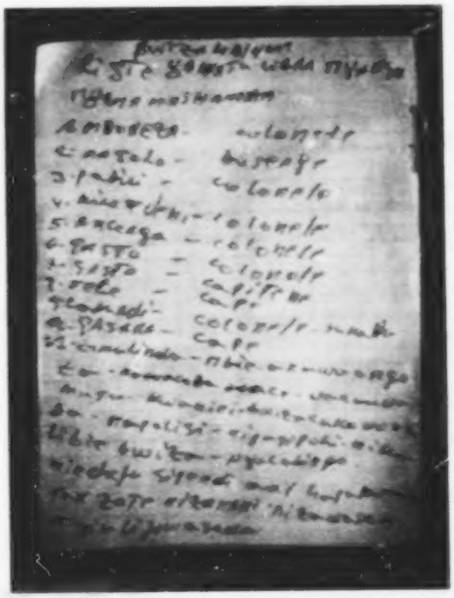


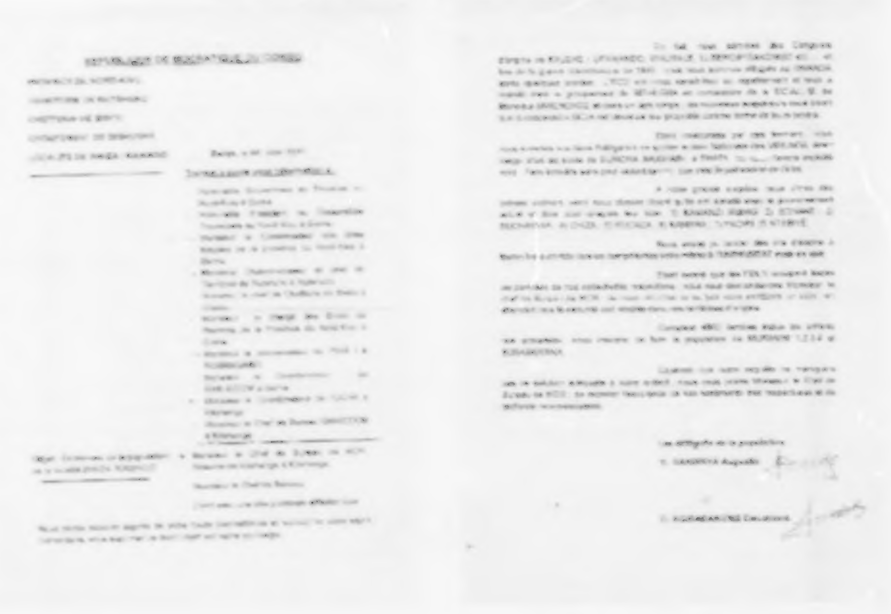


[redacted]

Annex 85

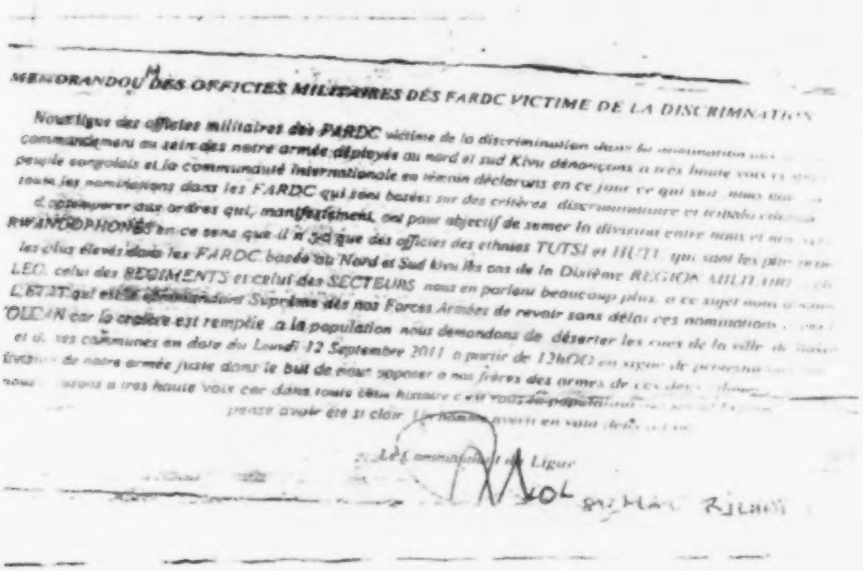
List, shared with the Group by local authorities, of some of the ex-CNDP FARDC commanders who forcefully obtained land in Bwiza settlement in the Virunga National Park, and a written complaint by the local population of Bwiza against CNDP politician Emmanuel Kamanzi





Annex 86

Memorandum from officers claiming to be victims of discrimination within FARDC due to preferential treatment for Rwandophone officers



MEMORANDOUM DÉS OFFICIES MILITAIRES DÉS FARDC VICTIME DE LA DISCRIMINATION

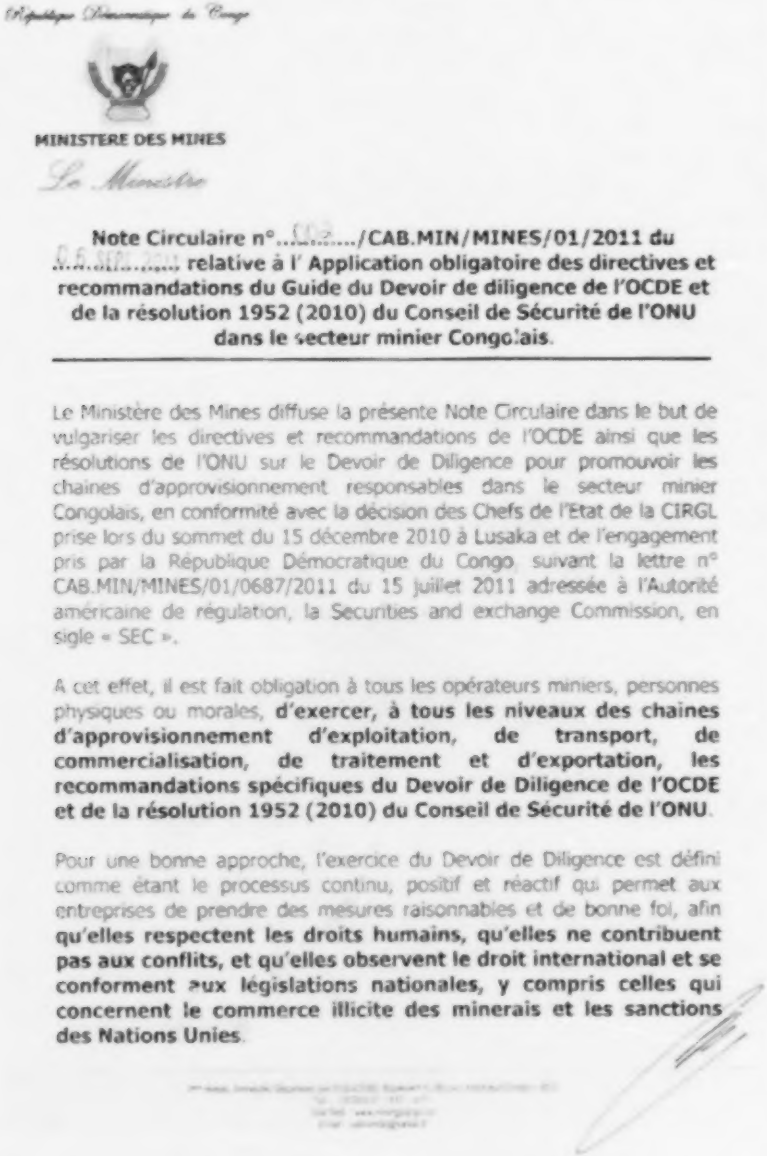
Nous ligue des officies militaires des FARDC victime de la discrimination dans la nomination [illegible] commandement au sein des notre armée déployée au nord et sud Kivu dénonçons a très haute voix [illegible] peuple congolais et la communauté internationale en témoin déclarons en ce jour ce qui suit : nous [illegible] toutes les nominations dans les FARDC qui sont basées sur des critères discriminatoire et tribalo [illegible] d'optempérer aux ordres qui, manifestement, ont pour objectif de semer la division entre nous et nos [illegible] RWANDOPHONES en ce sens que il n'ya que des officies des ethnies TUTSI et HUTU qui sont les plus [illegible] les plus élevés dans les FARDC basée au Nord et Sud kivu [illegible] cas de la Dixième REGION MILITAIRE [illegible] LEO, celui des REGIMENTS et celui des SECTEURS nous en parlons beaucoup plus, a ce sujet nous [illegible] L'ETAT qui est le commandant Suprême des nos Forces Armées de revoir sans délai ces nominations [illegible] OLCAN car la crolère est remplie .a la population nous demandons de déserter les rues de la ville de [illegible] et de ses communes en date du Lundi 12 Septembre 2011 a partir de 12h00 en signe de [illegible] frères de notre armée juste dans le but de nous opposer a nos frères des armes de ces deux [illegible] nous [illegible] a très haute voix car dans toute cette histoire c'est vous la population [illegible] pense avoir été si clair. Un homme averti en vaut deux.

Les commandant de Ligue

Col [illegible] Richi

Annex 87

Note circulaire from the Ministry of Mines of the Democratic Republic of the Congo dated 6 September 2011 requiring all mining operators to exercise due diligence, as defined by the United Nations and the Organization for Economic Cooperation and Development



République Démocratique du Congo

MINISTERE DES MINES

Le Ministre

Note Circulaire n°...003...../CAB.MIN/MINES/01/2011 du ...06 SEPT 2011... relative à l' Application obligatoire des directives et recommandations du Guide du Devoir de diligence de l'OCDE et de la résolution 1952 (2010) du Conseil de Sécurité de l'ONU dans le secteur minier Congolais.

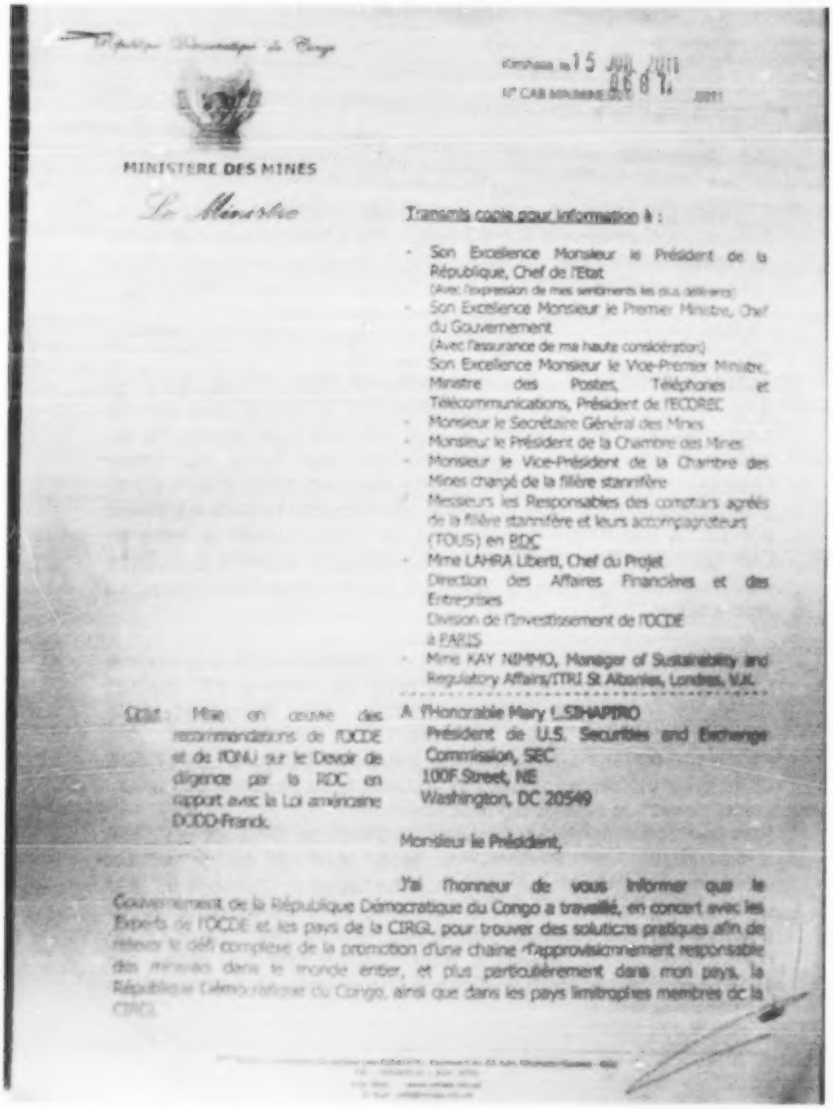
Le Ministère des Mines diffuse la présente Note Circulaire dans le but de vulgariser les directives et recommandations de l'OCDE ainsi que les résolutions de l'ONU sur le Devoir de Diligence pour promouvoir les chaines d'approvisionnement responsables dans le secteur minier Congolais, en conformité avec la décision des Chefs de l'Etat de la CIRGL prise lors du sommet du 15 décembre 2010 à Lusaka et de l'engagement pris par la République Démocratique du Congo, suivant la lettre n° CAB.MIN/MINES/01/0687/2011 du 15 juillet 2011 adressée à l'Autorité américaine de régulation, la Securities and exchange Commission, en sigle « SEC ».

A cet effet, il est fait obligation à tous les opérateurs miniers, personnes physiques ou morales, **d'exercer, à tous les niveaux des chaines d'approvisionnement d'exploitation, de transport, de commercialisation, de traitement et d'exportation, les recommandations spécifiques du Devoir de Diligence de l'OCDE et de la résolution 1952 (2010) du Conseil de Sécurité de l'ONU.**

Pour une bonne approche, l'exercice du Devoir de Diligence est défini comme étant le processus continu, positif et réactif qui permet aux entreprises de prendre des mesures raisonnables et de bonne foi, afin **qu'elles respectent les droits humains, qu'elles ne contribuent pas aux conflits, et qu'elles observent le droit international et se conforment aux législations nationales, y compris celles qui concernent le commerce illicite des minerais et les sanctions des Nations Unies.**

Annex 88

Letter dated 15 July 2011 from the Minister of Mines, Martin Kabwelulu, to the President of the United States Securities and Exchange Commission requesting that its regulations relating to the Dodd-Frank Act conform to the due diligence recommendations of the Organization for Economic Cooperation and Development and the United Nations



République Démocratique du Congo

MINISTERE DES MINES

Le Ministre

Kinshasa, le 15 JUIL 2011
N° CAB MIN/MINES/[illegible] 0687 /2011

Transmis copie pour information à :

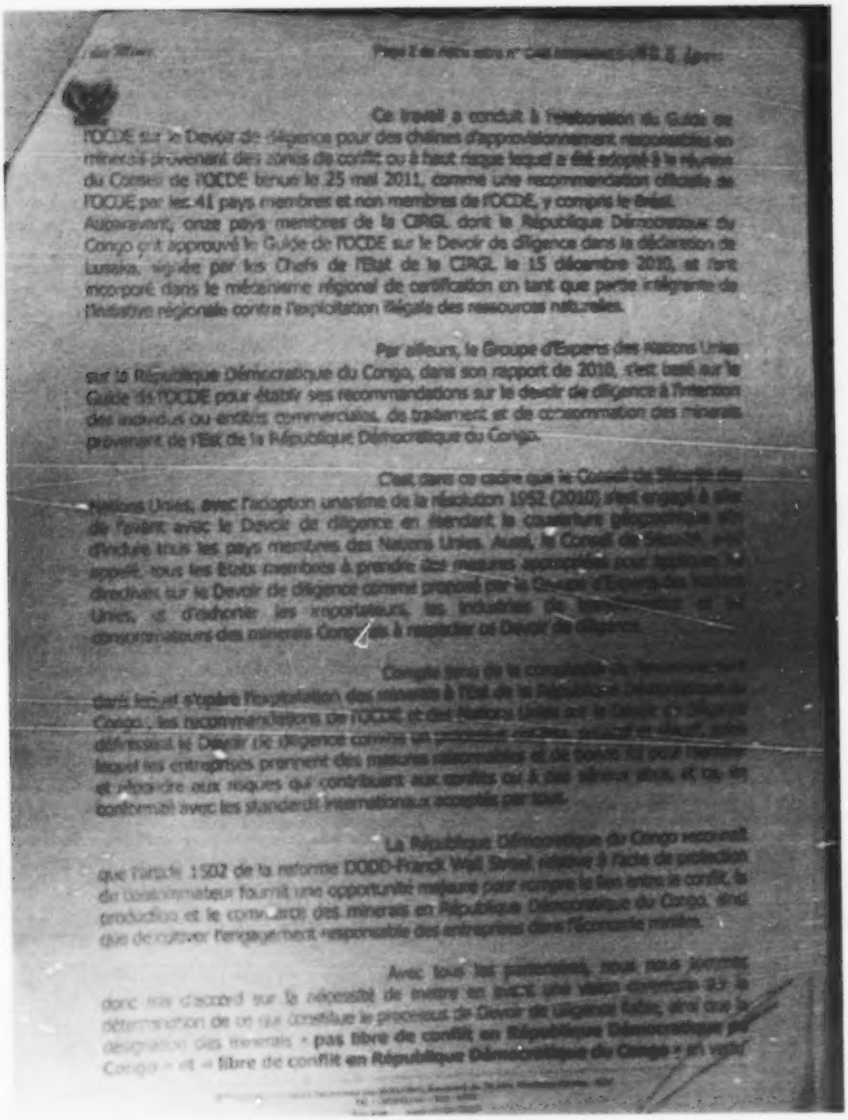
- Son Excellence Monsieur le Président de la République, Chef de l'Etat
  (Avec l'expression de mes sentiments les plus déférents)
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement
  (Avec l'assurance de ma haute considération)
  Son Excellence Monsieur le Vice-Premier Ministre, Ministre des Postes, Téléphones et Télécommunications, Président de l'ECOREC
- Monsieur le Secrétaire Général des Mines
- Monsieur le Président de la Chambre des Mines
- Monsieur le Vice-Président de la Chambre des Mines chargé de la filière stannifère
- Messieurs les Responsables des comptoirs agréés de la filière stannifère et leurs accompagnateurs (TOUS) en RDC
- Mme LAHRA Liberti, Chef du Projet
  Direction des Affaires Financières et des Entreprises
  Division de l'Investissement de l'OCDE
  à PARIS
- Mme KAY NIMMO, Manager of Sustainability and Regulatory Affairs/ITRI St Albanies, Londres, U.K.

Objet : Mise en oeuvre des recommandations de l'OCDE et de l'ONU sur le Devoir de diligence par la RDC en rapport avec la Loi américaine DODD-Franck.

A l'Honorable Mary L.SHAPIRO
Président de U.S. Securities and Exchange Commission, SEC
100F Street, NE
Washington, DC 20549

Monsieur le Président,

J'ai l'honneur de vous informer que le Gouvernement de la République Démocratique du Congo a travaillé, en concert avec les Experts de l'OCDE et les pays de la CIRGL pour trouver des solutions pratiques afin de relever le défi complexe de la promotion d'une chaine d'approvisionnement responsable des minerais dans le monde entier, et plus particulièrement dans mon pays, la République Démocratique du Congo, ainsi que dans les pays limitrophes membres de la CIRGL.



[illegible] des Mines Page 2 de lettre n° [illegible]

Ce travail a conduit à l'élaboration du Guide de l'OCDE sur le Devoir de diligence pour des chaînes d'approvisionnement responsables en minerais provenant des zones de conflit ou à haut risque lequel a été adopté à la réunion du Conseil de l'OCDE tenue le 25 mai 2011, comme une recommandation officielle de l'OCDE par les 41 pays membres et non membres de l'OCDE, y compris le Brésil.
Auparavant, onze pays membres de la CIRGL dont la République Démocratique du Congo ont approuvé le Guide de l'OCDE sur le Devoir de diligence dans la déclaration de Lusaka, signée par les Chefs de l'État de la CIRGL le 15 décembre 2010, et l'ont incorporé dans le mécanisme régional de certification en tant que partie intégrante de l'Initiative régionale contre l'exploitation illégale des ressources naturelles.

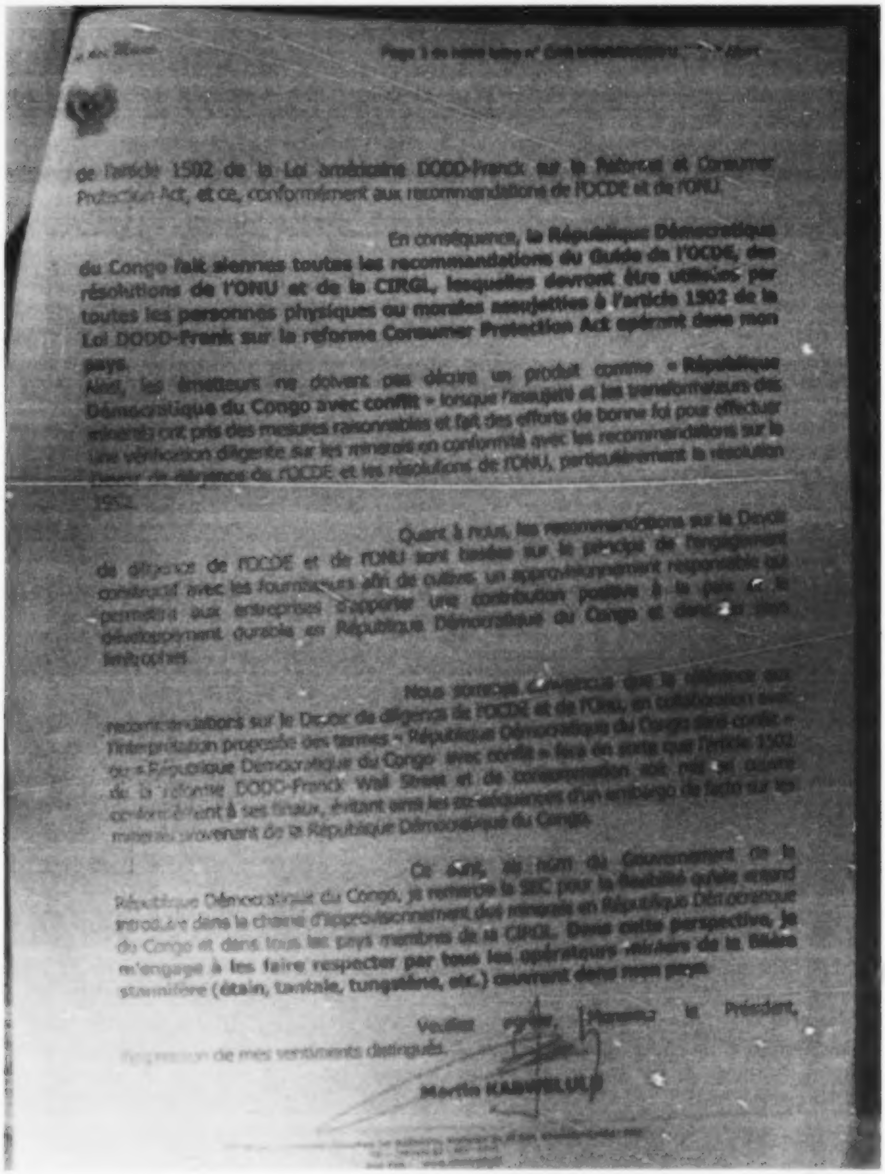
Par ailleurs, le Groupe d'Experts des Nations Unies sur la République Démocratique du Congo, dans son rapport de 2010, s'est basé sur le Guide de l'OCDE pour établir ses recommandations sur le devoir de diligence à l'intention des individus ou entités commerciales, de traitement et de consommation des minerais provenant de l'Est de la République Démocratique du Congo.

C'est dans ce cadre que le Conseil de Sécurité des Nations Unies, avec l'adoption unanime de la résolution 1952 (2010) s'est engagé à aller de l'avant avec le Devoir de diligence en étendant la couverture géographique afin d'inclure tous les pays membres des Nations Unies. Aussi, le Conseil de Sécurité, [illegible] appelé tous les États membres à prendre des mesures appropriées pour [illegible] directives sur le Devoir de diligence comme proposé par le Groupe d'Experts des Nations Unies, et d'exhorter les importateurs, les industries de [illegible] et les consommateurs des minerais Congolais à respecter ce Devoir de diligence.

Compte tenu de la complexité de l'environnement dans lequel s'opère l'exploitation des minerais à l'Est de la République Démocratique du Congo, les recommandations de l'OCDE et des Nations Unies sur le Devoir de diligence définissent le Devoir de diligence comme un [illegible], selon lequel les entreprises prennent des mesures raisonnables et de bonne foi pour [illegible] et répondre aux risques qui contribuent aux conflits ou à des sérieux abus, et ce, en conformité avec les standards internationaux acceptés par tous.

La République Démocratique du Congo reconnaît que l'article 1502 de la réforme DODD-Franck Wall Street relative à l'acte de protection du consommateur fournit une opportunité majeure pour rompre le lien entre le conflit, la production et le commerce des minerais en République Démocratique du Congo, ainsi que de cultiver l'engagement responsable des entreprises dans l'économie minière.

Avec tous les partenaires, nous nous sommes donc mis d'accord sur la nécessité de mettre en place une vision commune sur la détermination de ce qui constitue le processus de Devoir de diligence fiable, ainsi que la désignation des minerais « **pas libre de conflit en République Démocratique du** Congo » et « libre de conflit **en République Démocratique du Congo »** en vertu



de l'article 1502 de la Loi américaine DODD-Franck sur la Réforme et Consumer Protection Act, et ce, conformément aux recommandations de l'OCDE et de l'ONU.

En conséquence, **la République Démocratique du Congo fait siennes toutes les recommandations du Guide de l'OCDE, des résolutions de l'ONU et de la CIRGL, lesquelles devront être utilisées par toutes les personnes physiques ou morales assujetties à l'article 1502 de la Loi DODD-Frank sur la réforme Consumer Protection Act opérant dans mon pays.**

Ainsi, les émetteurs ne doivent pas décrire un produit comme « **République Démocratique du Congo avec conflit** » lorsque l'assujetti et les transformateurs des minerais ont pris des mesures raisonnables et fait des efforts de bonne foi pour effectuer une vérification diligente sur les minerais en conformité avec les recommandations sur le Devoir de diligence de l'OCDE et les résolutions de l'ONU, particulièrement la résolution 1952.

Quant à nous, les recommandations sur le Devoir de diligence de l'OCDE et de l'ONU sont basées sur le principe de l'engagement constructif avec les fournisseurs afin de cultiver un approvisionnement responsable qui permettra aux entreprises d'apporter une contribution positive à la paix et le développement durable en République Démocratique du Congo et dans les pays limitrophes.

Nous sommes convaincus que la référence aux recommandations sur le Devoir de diligence de l'OCDE et de l'Onu, en collaboration avec l'interprétation proposée des termes « République Démocratique du Congo sans conflit » ou « République Démocratique du Congo avec conflit » fera en sorte que l'article 1502 de la réforme DODD-Franck Wall Street et de consommation soit mis en œuvre conformément à ses finaux, évitant ainsi les conséquences d'un embargo de facto sur les minerais provenant de la République Démocratique du Congo.

Ce faisant, au nom du Gouvernement de la République Démocratique du Congo, je remercie la SEC pour la flexibilité qu'elle entend introduire dans la chaîne d'approvisionnement des minerais en République Démocratique du Congo et dans tous les pays membres de la CIRGL. **Dans cette perspective, je m'engage à les faire respecter par tous les opérateurs miniers de la filière stannifère (étain, tantale, tungstène, etc.) œuvrant dans mon pays.**

Veuillez agréer, Monsieur le Président, l'expression de mes sentiments distingués.

Martin KABWELULU

Annex 89

Additional case studies on the involvement of armed actors in the supply chains of the mineral trade

Ngungu

According to the mining authorities, local officials and displaced people from Ngungu in southern Masisi territory, tin ore mining in Ruzirantaka, Bishasha, Kamatale and Kabingo continued during the mining ban, under the control of ex-CNDP FARDC Colonel Butoni and ex-PARECO Major Firigi Mazaire. At Kabingo and Kamatale, a civilian called Gashabuka, according to these sources, managed operations on behalf of the two officers, with the assistance of small militia. Butoni has a depot in Ngungu and used to transport minerals to Goma with his military vehicle. Local authorities confirmed that after the ban, Butoni continued to control Ruzirantaka, forcing workers to dig for him and seizing "at least half" of the mine's production.

Manguredjipa

According to traders and local administrators, mines near Manguredjipa include Bandulu, and produce gold, tantalum and tungsten ores. The sources said that Congolese security services, and particularly members of the military intelligence service (T2), have interests there in mineral production and trade. The mines authorities reported that the T2 of Isange, by the name of Manu, controls the mine site of Jengamwile. The Group also received credible testimonies that T2 elements operating under the instruction of 1st sector commander Colonel Eric Ruhoimbere have erected an illegal barrier at Itendi, on the road from Beni to Manguredjipa.

Trade in tungsten ore and gold from Elota in Bakaiko groupement, Orientale Province, is also oriented towards Manguredjipa. The Elota site is managed by the cooperative SOMIBAF, whose president is Mwanakasongo Bambi. Mineral traders have confirmed to the Group that representatives of Mwanakasongo use FARDC soldiers to secure the concession, and pay them in locally mined gold. A military justice officer informed the Group that he had been given two grams of gold during his last stay in Elota, in May 2011. In addition, the officer confessed to trading merchandise for gold during his official missions to Elota. According to mineral traders there is a military camp in Elota called "Tepe" from which FARDC elements from Mambasa, Beni and Bela conduct their business activities.

Kasugho

The Group established, during a visit to Kasugho, in the Lubero territory of Nord Kivu Province, that FDLR and a group of Mai Mai PARECO commanded by a certain "Tumba" control several villages near gold mines east of Fatua. Both the Mai Mai and FDLR have a camp at Fatua, reportedly the busiest village in the vicinity of the mining sites, where they have established an alternate taxation system: the former taxes sites every fifteenth day of each month, while the latter taxes on the thirtieth. Both armed groups require miners to pay 0.1 g each, worth around $5. An estimated 1,000 miners are subject to this system, meaning both armed groups gain at least $5,000 each month. In addition, the Group also learned that FDLR bring looted products to the mines and sell them to the miners for excessive prices.

Kasugho is under FARDC control. The troops deployed there had changed shortly before the Group visited. The previous unit, commanded by Lieutenant Colonel Murenzi, also profited from the gold mining around Kasugho. During Operation Amani Leo, Murenzi's troops had on several occasions taken control of Fatua, and imposed a tax of 0.2 g of gold per miner. During the mining ban, Murenzi also confiscated a lot of gold coming through Kasugho, instructing his men to patrol the tracks used to evacuate gold from the mining sites. Gold is sold in Kasugho to agents working for Butembo-based traders.

Oninga

In Buyinga, the Group discussed the gold mining and trading axis between Oninga and Butembo with security agents and traders. Oninga is the main trading centre for gold of the mining sites in Maiko National Park in Orientale Province. Within the Maiko National Park, Mai Mai Simba under "Major" Luc and "Major" Michigan control many mining sites. During Operation Amani Leo at the end of 2010, Oninga came under FARDC control. FDLR forces under Colonel Safina, however, continued to exercise influence. PARECO Lafontaine has up to 30 roadblocks along the route at which money and gold is demanded of traders. PARECO's Colonel Kaplui sends some of the proceeds from these roadblocks to the headquarters of Lafontaine in Bunyatenge. In addition, FDLR has a barrier at the Lubero River where they impose a tax of $4 per parcel of goods.

Annex 90

Rwandan mineral exports per month in the first six months of 2011

MINING EXPORT
PERIOD: JAN - JULY 11
Reference Documents: Customs Declarations - Export

Product/Period	Jan 11	Feb 11	March 11	April 11	May 11	June 11	July 11	Jan- July 1	Jan- July 10	Variation in %
I. Ord. Exports										
Cassiterite										
- Value in USD	4,803,568	6,817,803	9,926,724	3,880,530	9,884,168	11,401,741	10,253,380	56,967,915	18,540,750	207.26%
- Volume in KG	316,894	401,927	620,144	241,868	588,180	783,010	714,664	3,666,687	2,012,048	82.24%
- Price USD/KG	15.16	16.96	16.01	16.04	16.80	14.56	14.35	15.54	9.21	68.60%
Coltan										
- Value in USD	2,071,216	2,211,212	6,939,262		650,114	5,151,646	3,132,987	20,156,437	8,546,981	135.83%
- Volume in KG	65,403	53,824	217,669		14,695	105,150	72,033	528,774	407,070	29.90%
- Price USD/KG	31.67	41.08	31.88		44.24	48.99	43.49	38.12	21.00	81.55%
Wolfram										
- Value in USD	314,062	910,792	1,376,238	123,728	212,051	1,032,457	770,020	4,739,348	2,991,332	58.44%
- Volume in KG	30,034	80,016	114,244	12,180	17,652	49,392	48,323	351,841	441,609	-20.33%
- Price USD/KG	10.46	11.38	12.05	10.16	12.01	20.90	15.93	13.47	6.77	98.86%
Other minerals										
- Value in USD	777,823	716,300	1,674,772	954,493	715,796	1,444	887,778	5,730,405	1,307,401	338.31%
- Volume in KG	58,213	48,532	112,643	47,726	43,370	1,670	49,676	361,830	139,641	159.11%
Sub Total Ord. Exports										
- Value in USD	**7,966,669**	**10,656,107**	**19,916,996**	**4,958,752**	**11,462,129**	**17,589,288**	**15,044,165**	**87,594,106**	**31,386,463**	**179.08%**
- Volume in KG	**470,544**	**584,299**	**1,064,700**	**301,774**	**663,897**	**939,222**	**884,696**	**4,909,132**	**3,000,368**	**63.62%**
II. REEXPORTS										
Cassiterite										
- Value in USD		15,955	5,604,071					5,620,026	17,822,646	-68.47%
- Volume in KG		1,000	385,542					386,542	1,945,683	-80.13%
Coltan										
- Value in USD									120,545	
- Volume in KG									6,990	
Wolfram										
- Value in USD	114,689	110,767						225,456	157,978	42.71%
- Volume in KG	10,547	9,446						19,993	23,317	-14.26%
Other Minerals										
- Value in USD										
- Volume in KG										
Sub Total Reexports										
- Value in USD	**114,689**	**126,721**	**5,604,071**	**0**	**0**	**0**		**5,845,482**	**18,101,168**	**-68%**
- Volume in KG	**10,547**	**10,446**	**385,542**	**0**	**0**	**0**		**406,535**	**1,975,990**	**-79%**
Total GnI										
- Value in USD	**8,081,358**	**10,782,828**	**25,521,068**	**4,958,752**	**11,462,129**	**17,589,286**		**93,439,587**	**49,487,632**	**88.81%**
- Volume in KG	**481,091**	**594,745**	**1,450,242**	**301,774**	**663,897**	**939,222**		**5,315,667**	**4,976,358**	**6.82%**

Annex 91

Burundian mineral exports for the first six months of 2010 and for the first nine months of 2011

SITUATION DU COMMERCE DES MINERAIS ET DES PRODUITS CARRIERS AU 30 JUIN 2010

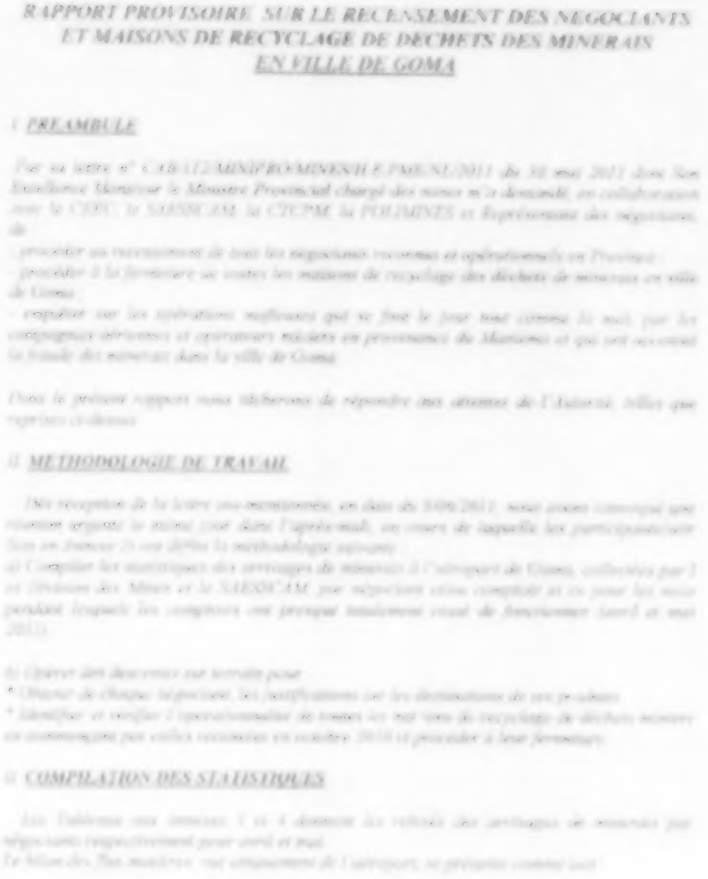
Nom du Comptoir	**Redevance miniere**	**Taxe ad valorem**	**Nbre Expo.**	**Quantites exportées**
1. BERKENRODE (Or)	12 201 600 FBU	9 813 994 FBU	4Au	75.109 Kg Au
2. Alpha CD Technology (Or)	12 201 600 FBU	4 254 905 FBU	18Au	31.97264 Kg Au
3. S.E.C.M (Or)	12 118 673 FBU	4 646 093 FBU	9 Au	33.3074 Kg Au
4. PHICOR(Or)	12 201 600 FBU			
5. Societe AZUR(Or)	12 201 600 FBU			
6. TWISUGANYE (Or et WO_3)	7 849 500 FBU 100 000 FBU			
7. Tubiri Tuvurana Ubupfu(Or)	6 056 874 FBU			
8. BURUNDI MINING(Or)	12 113 748 FBU			
9. SECOMIB(WO_3 SnO_2 COLTAN)	400 000 FBU	1 844 925 FBU	2 WO_3	14 000 Kg WO_3
10. MTC(WO_3 SnO_2)	200 000 FBU			
11. PHARMEX(Sable)	100 000 FBU			
12. SOMIGLABU(WO_3 SnO_2 COLTAN)	400 000 FBU			
13. Trading Services Logistic	700 000 FBU			
14. WMP(WO_3 SnO_2 COLTAN)	700 000 FBU	7 130 488 FBU 6 054 928 FBU	2WO_3 1 Coltan	44 638.1 kg WO_3 10 650 kg Coltan
15. HABONIMANA J (WO_3 [illegible]	900 000 FBU	6 775 243 FBU	3WO_3	60 000 kg WO_3
16. REMEX(WO_3 SnO_2 COLTAN)	700 000 FBU	6 253 073 FBU	6SnO_2	22 500 Kg SnO_2
17. BIZIMANA Obedi(SnO_2)	100 000 FBU			
18 UWIRAGIYE François(WO_3)	300 000 FBU			
19 RAFADE(WO_3)	100 000 FBU			
20. Omni Distribution	12 114 733 FBU	205 120 FBU	1 Au	1.41596 Kg Au
21 NSENGIYUMVA Innocent	100 000 FBU			
Total	**103.759.928 FBU**	**50.354.695 FBU**	**32 Au 6WO_3 6SnO_2 1 Coltan**	**129,90684 kg Au 118.638,1 kg WO_3 22.500 kg SnO_2 10.650 kg Coltan**

SITUATION DU COMMERCE DES MINERAIS ET DES PRODUITS CARRIERS AU 30 SEPTEMBRE 2011

Nom du Comptoir	Redevance minière	Taxe ad valorem	Nbre Expo	Quantités exportées
1 S.C.E.M (Or)	12 143 294 FBU	35 065 324 FBU	22Au	182.1398 Kg Au
2 Ntahangwa s.p.r.l. (Or)	12 231 360 FBU	74 027 488 FBU	27Au	421.162 Kg Au
3 NGORORE Nicole	100 000 FBU			
4 African Mining Metallurgical Group	700 000 FBU			
5 WMP	700 000 FBU	59 512 382FBU 31 087 177 FBU 9 696 595 FBU	9WO_3 2 Coltan 1SnO_2	224 409.3 Kg de WO_3 23 941.60 Kg de Coltan 22 699.4Kg de SnO_2
6 NSABIYABANDI Noel	100 000 FBU			
7 TECHDEVAFRICA s.a	400 000 FBU			
8 HABONIMANA Jean	1 300 000 FBU			
9 Burundi Minerals Supply (BMS)	7 00 000 FBU	2 179 237 FBU 77 127 825 FBU 22 702 898 FBU	1 SnO_2 6 Coltan 7 WO_3	4 000 Kg de SnO_2 58 279 Kg de Coltan 85 452.6 Kg de WO_3
10 AZUR BURUNDI	12 158 067 FBU			
11 NSENGIYUMVA Innocent	100 000 FBU			
12 ASS. KORERAHAMWE	6 071 155 FBU			
13 Burundi Mining and Dev	400 000 FBU			
14 CEMB	300 000 FBU			
15 REMEX	700 000 FBU			
16 RAFADE	100 000 FBU			
17 MANIRAKIZA Pontien	200 000 FBU			
18 NDORICIMPA Anicet	700 000 FBU			
19 DUFASHANYE	400 000 FBU			
20 DUFATANE MUNDA	200 000 FBU			
21 SECOMIB	400 000 FBU			
22 NTIBAHARIRE Alexandre	100 000 FBU			
23 Ass. ABAVUNANZARA	100 000 FBU			
24 COURTA	13 177 024 FBU			
25 Ass. TWISUGANYE	6 150 000 FBU			
26 CIZA Eliphas	100 000 FBU			
27 Ass DUSABIKANYE	6 150 000 FBU			
28 NOBIUM- MADEEZ	700 000 FBU	12 088 918 FBU	2 Coltan	17 248 Kg de Coltan
29 AMMG	700 000 FBU	1 164 810 FBU	1 WO_3	4 870 Kg de WO_3
30 Ass. DUKORANE UBUNTU	6 150 000 FBU			
33 KAZOZA KEZA	6 175 695 FBU			
34 Ass. TEZIMBERE ABATISHOBOYE	6 196 032 FBU			
35 Ass TWIYUNGUNGANYE	6 237 200 FBU			
36 Ets NKURUNZIZA	500 000 FBU			
37 Societe Tanganyika Minerais	300 000 FBU			
38 NIYONSABA Sylvestre	200 000 FBU			
TOTAL	**103.030.827 FBU**	**324.052.654 FBU**	**49 Au 17 WO_3 10 Coltan 2 SnO_2**	**603,3018 Kg Au 314.731,9 kg WO_3 99.468,6 kg Coltan 26.699,4 Kg SnO_2**

Annex 92

North Kivu mine monitoring committee's first report on the inventory of traders in the town of Goma



RAPPORT PROVISOIRE SUR LE RECENSEMENT DES NEGOCIANTS
ET MAISONS DE RECYCLAGE DE DECHETS DES MINERAIS
EN VILLE DE GOMA

I. PREAMBULE

II. METHODOLOGIE DE TRAVAIL

II. COMPILATION DES STATISTIQUES

ARRIVAGES/OPERATEURS		AVRIL	MAI	TOTAL
NEGOCIANTS	MANIEMA	34 550	160 000	194 550
	WALIKALE	48 760	120 105	168 865
S/TOTAL (a)		83 310	280 105	
COMPTOIRS	MANIEMA	377 802	70 850	448 652
	WALIKALE	0	0	0
S/TOTAL (b)		377 802	70 850	448 652
TOTAL ARRIVAGES AERO (a)+(b)		461 112	350 955	812 067
EXPORTATIONS		468 820	73 680	542 500
ECARTS		(Plus) 7708	(Moins) 277 275	(Moins) 269 567

Ce bilan ne reflète pas du tout la réalité, car manquent trois données essentielles à savoir :

1° Les statistiques des minerais amenés à Goma par la voie terrestre (depuis Walikale et depuis le Sud-Kivu via Minova et probablement via [illegible]) et par la voie lacustre

2° Les stocks de minerais au 31 Mars 2011 [illegible]
3° Les stocks de minerais au 31 Mai 2011.

Néanmoins, à ce stade, il est très troublant de constater que l'écart, entre les exportations et les arrivages de minerais à Goma, est largement négatif, surtout au mois de Mai ; ce fait conduit à prouver l'existence d'une fraude minière à grande échelle.

Les descentes sur terrain permettront d'en savoir plus.

Mais d'ores et déjà, les négociants dont les noms suivent doivent justifier la destination d'énormes quantités de minerais:

a) Provenance de MANIEMA

- *KASEREKA Fabien*
- *Idrissa RADJABU*
- *Moïse MBAYO*
- *SENGA Pascal*
- *RADJABU KATENTULA*
- *MBUSA MAKALIKALI*

b) Provenance de WALIKALE

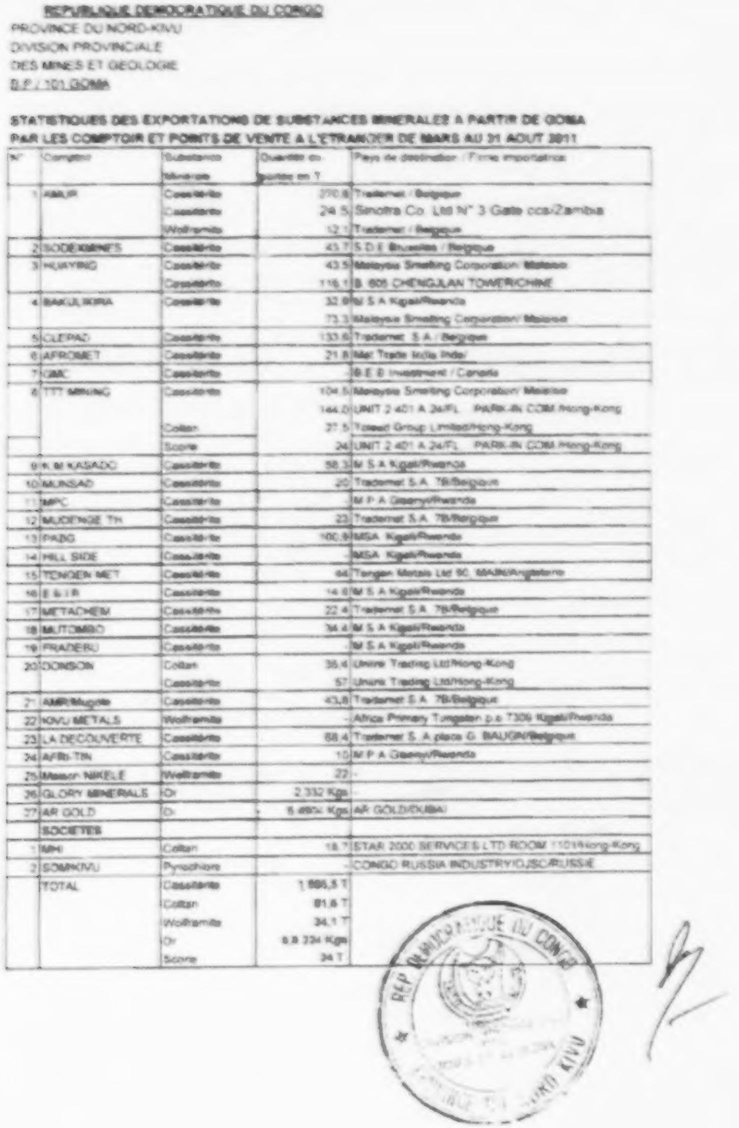
- *Léon MUHINDAMBA*
- *MUKENGERE MITUGA*
- *CHENTANGE OSCAR*
- *MATABARO BULIMWENGU*
- *MUHEFU KARANI*

Il convient aussi de signaler que la Commission a reçu des informations prouvant une forte implication de certains éléments FARDC, dans la fraude ; des cas concrets figureront dans le rapport final.

Annex 93

Records relating to mineral exports

A. North Kivu mineral export statistics from March to August 2011, showing Chinese trading partners of the *comptoirs* TTT, Huaying and Donson that have imported minerals since 1 April 2011[a]

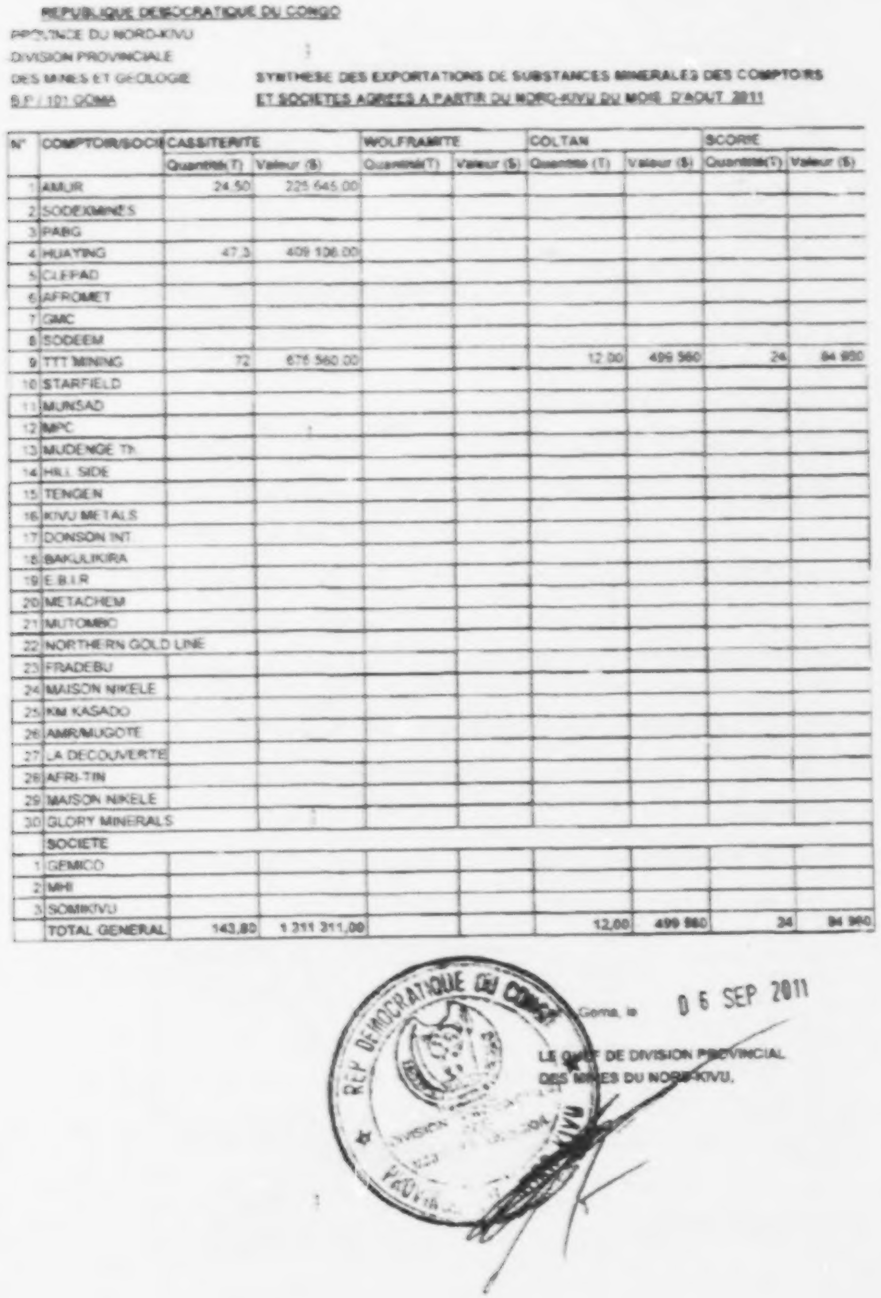


REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE
DES MINES ET GEOLOGIE
B.P / 101 GOMA

STATISTIQUES DES EXPORTATIONS DE SUBSTANCES MINERALES A PARTIR DE GOMA PAR LES COMPTOIR ET POINTS DE VENTE A L'ETRANGER DE MARS AU 31 AOUT 2011

N°	Comptoir	Substance Minérale	Quantité exportée en T	Pays de destination / Firme importatrice
1	AMUR	Cassitérite	270.8	Trademet / Belgique
		Cassitérite	24.5	Sinotra Co. Ltd N° 3 Gate ccs/Zambia
		Wolframite	12.1	Trademet / Belgique
2	SODEXMINES	Cassitérite	43.7	S.D.E Bruxelles / Belgique
3	HUAYING	Cassitérite	43.5	Malaysia Smelting Corporation/ Malaisie
		Cassitérite	116.1	B. 605 CHENGJIAN TOWER/CHINE
4	BAKULIKIRA	Cassitérite	32.9	M S A Kigali/Rwanda
			73.3	Malaysia Smelting Corporation/ Malaisie
5	CLEPAD	Cassitérite	133.6	Trademet S.A / Belgique
6	AFROMET	Cassitérite	21.8	Met Trade India Inde/
7	GMC	Cassitérite	-	B E B Investment / Canada
8	TTT MINING	Cassitérite	104.5	Malaysia Smelting Corporation/ Malaisie
			144.0	UNIT 2 401 A 24/FL PARK-IN COM Hong-Kong
		Coltan	27.5	Tomeel Group Limited/Hong-Kong
		Scorie	24	UNIT 2 401 A 24/FL PARK-IN COM Hong-Kong
9	K M KASADO	Cassitérite	58.3	M S A Kigali/Rwanda
10	MUNSAD	Cassitérite	20	Trademet S.A. 78/Belgique
11	MPC	Cassitérite	-	M P A Gisenyi/Rwanda
12	MUDEN[illegible] TH	Cassitérite	23	Trademet S.A. 78/Belgique
13	PABG	Cassitérite	100.9	MSA Kigali/Rwanda
14	HILL SIDE	Cassitérite	-	MSA Kigali/Rwanda
15	TONGEN MET	Cassitérite	44	Tengen Metals Ltd 90, MAIN/Angleterre
16	E & I R	Cassitérite	14.0	M S A Kigali/Rwanda
17	METACHEM	Cassitérite	22.4	Trademet S.A. 78/Belgique
18	MUTOMBO	Cassitérite	34.4	M S A Kigali/Rwanda
19	PRADEBU	Cassitérite	-	M S A Kigali/Rwanda
20	DONSON	Coltan	35,4	Uniere Trading Ltd/Hong-Kong
		Cassitérite	57	Uniere Trading Ltd/Hong-Kong
21	AMR/Mugote	Cassitérite	43,8	Trademet S.A. 78/Belgique
22	KIVU METALS	Wolframite	-	Africa Primary Tungsten p.o 7309 Kigali/Rwanda
23	LA DECOUVERTE	Cassitérite	68.4	Trademet S. A place G. BAUGN/Belgique
24	AFRI-TIN	Cassitérite	10	M P A Gisenyi/Rwanda
25	Maison NIKELE	Wolframite	22	-
26	GLORY MINERALS	Or	2.332 Kgs	-
27	AR GOLD	Or	5.[illegible] Kgs	AR GOLD/DUBAI
	SOCIETES			
1	MHI	Coltan	18.7	STAR 2000 SERVICES LTD ROOM 1101/Hong-Kong
2	SOMIKIVU	Pyrochlore	-	CONGO RUSSIA INDUSTRY/OJSC/RUSSIE
	TOTAL	Cassitérite	1 [illegible] T	
		Coltan	81,6 T	
		Wolframite	34,1 T	
		Or	[illegible] Kgs	
		Scorie	24 T	

B. North Kivu mineral export statistics for August 2011, showing that TTT, Huaying and Amur were the only *comptoirs* that exported during that month[b]



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE
DES MINES ET GEOLOGIE
B.P / 101 GOMA

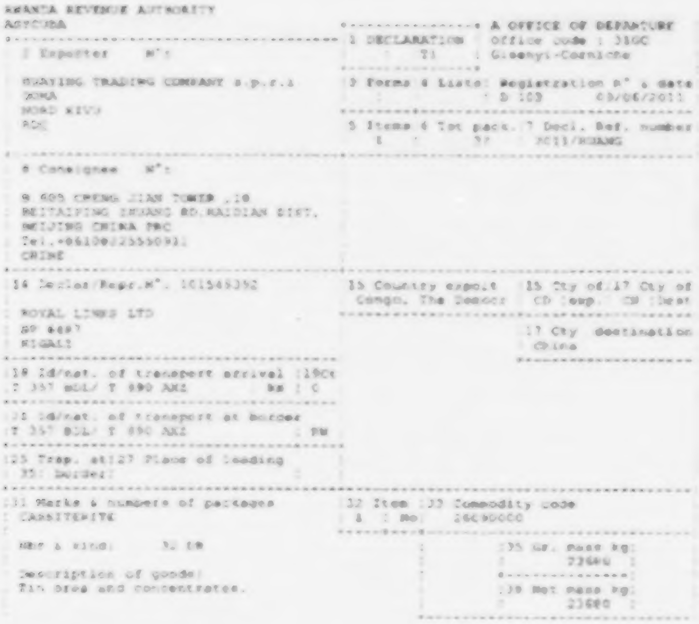
SYNTHESE DES EXPORTATIONS DE SUBSTANCES MINERALES DES COMPTOIRS ET SOCIETES AGREES A PARTIR DU NORD-KIVU DU MOIS D'AOUT 2011

N°	COMPTOIR/SOCI	CASSITERITE		WOLFRAMITE		COLTAN		SCORIE	
		Quantité(T)	Valeur ($)	Quantité(T)	Valeur ($)	Quantité (T)	Valeur ($)	Quantité(T)	Valeur ($)
1	AMUR	24.50	225 645.00						
2	SODEXMINES								
3	PABG								
4	HUAYING	47.3	409 106.00						
5	CLEPAD								
6	AFROMET								
7	GMC								
8	SODEEM								
9	TTT MINING	72	676 560.00			12.00	499 960	24	84 950
10	STARFIELD								
11	MUNSAD								
12	MPC								
13	MUDENGE TR								
14	HILL SIDE								
15	TENGEN								
16	KIVU METALS								
17	DONSON INT								
18	BAKULIKIRA								
19	E.B.I.R								
20	METACHEM								
21	MUTOMBO								
22	NORTHERN GOLD LINE								
23	FRADEBU								
24	MAISON NIKELE								
25	KM KASADO								
26	AMR/MUGOTE								
27	LA DECOUVERTE								
28	AFRI-TIN								
29	MAISON NIKELE								
30	GLORY MINERALS								
	SOCIETE								
1	GEMICO								
2	MHI								
3	SOMIKIVU								
	TOTAL GENERAL	143,80	1 311 311,00			12,00	499 960	24	84 960

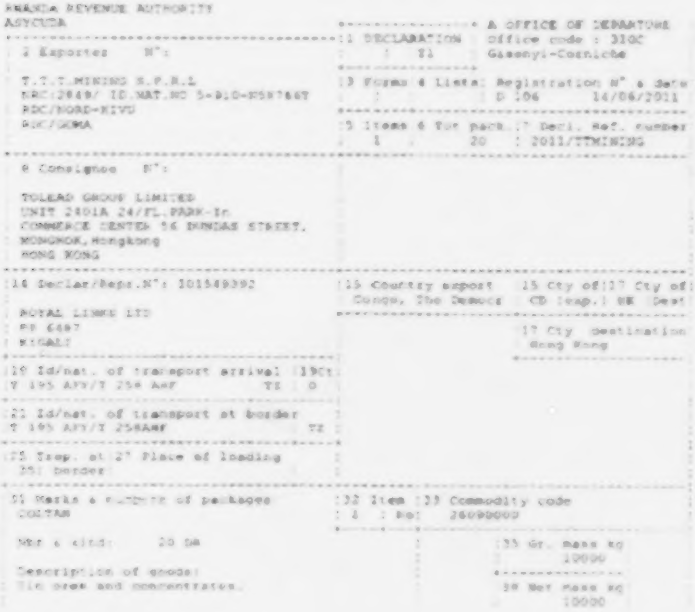
Goma, le 06 SEP 2011

LE CHEF DE DIVISION PROVINCIAL
DES MINES DU NORD-KIVU,

C. Sample of Rwanda Revenue Authority records for June relating to minerals in transit from Goma, identifying the Chinese trading partners of *comptoirs* TTT and Huaying Trading Company

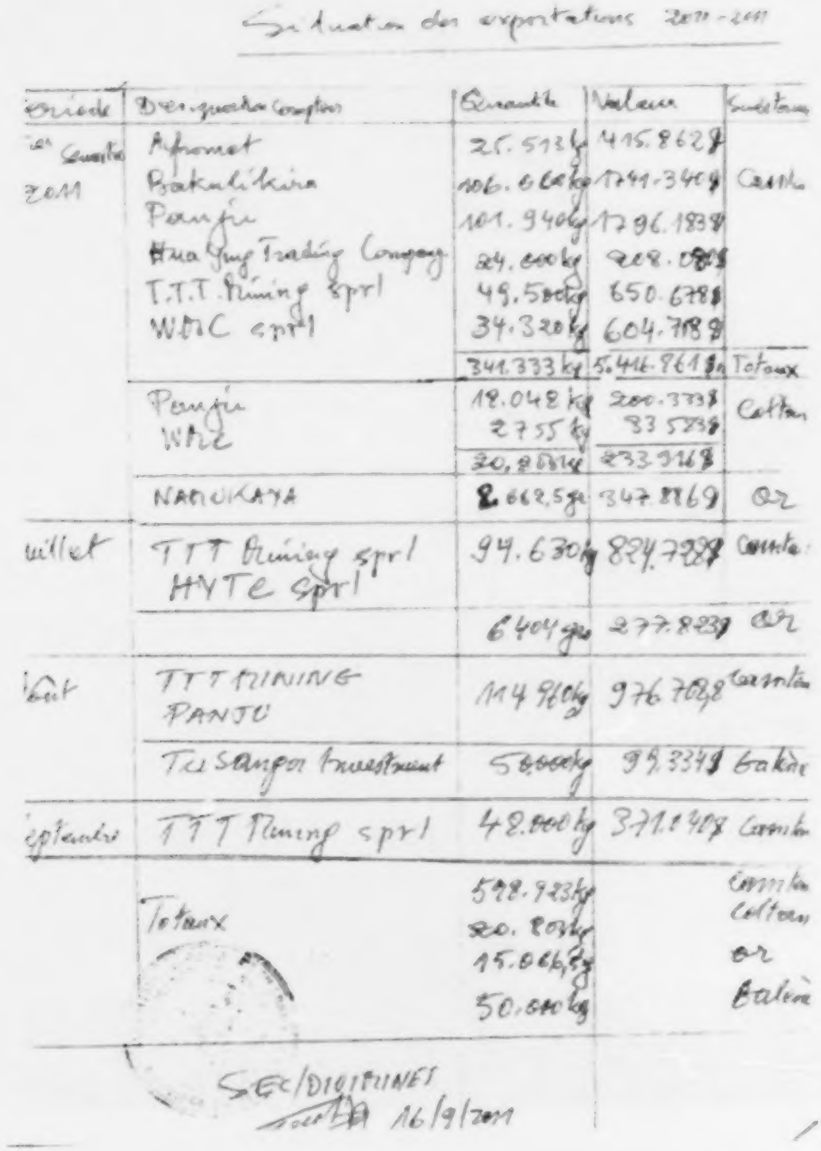


```
RWANDA REVENUE AUTHORITY
ASYCUDA
                                        +---------------+ A OFFICE OF DEPARTURE
+---------------------------------------+ 1 DECLARATION | Office code : 310C
| 2 Exporter    N°:                     |     :   T1    | Gisenyi-Corniche
|                                       +---------------+
| HUAYING TRADING COMPANY s.p.r.l       |3 Forms 4 Lists: Registration N° & date
| GOMA                                  |    :          : D 103      03/06/2011
| NORD KIVU                             +-------------------------------------
| RDC                                   |5 Items 6 Tot pack. 7 Decl. Ref. number
|                                       |  1   :       32   : 2011/HUANG
+---------------------------------------+-------------------------------------
| 8 Consignee   N°:
|
| N 609 CHENG JIAN TOWER ,10
| BEITAIPING ZHUANG RD.HAIDIAN DIST.
| BEIJING CHINA PRC
| Tel.+86108225550931
| CHINE
+---------------------------------------+-------------------------------------
|14 Declar/Repr.N°: 101549392           |15 Country export |15 Cty of|17 Cty of
|                                       | Congo, The Democr| CD |exp.| CN |Dest
| ROYAL LINES LTD                       +-------------------------------------
| BP 6487                               |                  |17 Cty  destination
| KIGALI                                |                  | China
+---------------------------------------+                  +------------------
|18 Id/nat. of transport arrival |19Ct
|T 357 BDL/ T 890 AXZ          RW | 0
+---------------------------------------
|21 Id/nat. of transport at border
|T 357 BDL/ T 890 AXZ          : RW
+---------------------------------------
|25 Trsp. at|27 Place of loading
| 35| border|
+---------------------------------------+-------------------------------------
|31 Marks & numbers of packages        |32 Item |33 Commodity code
| CASSITERITE                          | 1  : No|   26090000
|                                      +--------+-----------------------------
| Nbr & kind:       32 DR                       :          |35 Gr. mass kg:
|                                               :          |        23600  :
| Description of goods:                         :          +---------------:
| Tin ores and concentrates.                    :          |38 Net mass kg:
|                                               :          |        23600  :
                                                +-----------------------------
```



```
RWANDA REVENUE AUTHORITY
ASYCUDA
                                        +---------------+ A OFFICE OF DEPARTURE
+---------------------------------------:1 DECLARATION  | Office code : 310C
| 2 Exporter    N°:                     :    :   T1     | Gisenyi-Corniche
|                                       +---------------+
| T.T.T.MINING S.P.R.L                  :3 Forms 4 Lists: Registration N° & date
| NRC:2049/ ID.NAT.NO 5-910-N58766T     :    :          : D 106      14/06/2011
| RDC/NORD-KIVU                         +-------------------------------------
| RDC/GOMA                              :5 Items 6 Tot pack.:7 Decl. Ref. number
|                                       :  1   :       20   : 2011/TTMINING
+---------------------------------------+-------------------------------------
| 8 Consignee   N°:
|
| TOLEAD GROUP LIMITED
| UNIT 2401A 24/FL.PARK-In
| COMMERCE CENTER 56 DUNDAS STREET,
| MONGKOK,Hongkong
| HONG KONG
+---------------------------------------+-------------------------------------
:14 Declar/Repr.N°: 101549392           :15 Country export |15 Cty of:17 Cty of:
:                                       | Congo, The Democr| CD |exp.| HK |Dest
| ROYAL LINES LTD                       +-------------------------------------
: BP 6487                               |                  |17 Cty  destination
| KIGALI                                |                  | Hong Kong
+---------------------------------------+                  +------------------
:19 Id/nat. of transport arrival :19Ct:
:T 195 AFY/T 258 AAF          TZ : 0  :
+---------------------------------------
:21 Id/nat. of transport at border
:T 195 AFY/T 258AAF              TZ :
+---------------------------------------
:25 Trsp. at|27 Place of loading
| 35| border|
+---------------------------------------+-------------------------------------
| 31 Marks & numbers of packages       :32 Item :33 Commodity code
| COLTAN                               : 1  : No:   26090000
|                                      +--------+-----------------------------
| Nbr & kind:       20 DR                       :          :35 Gr. mass kg
|                                               :          :        10000
| Description of goods:                         :          +---------------
: Tin ores and concentrates.                    :          :38 Net mass kg
|                                               :          :        10000
```

D. South Kivu mineral export statistics from March to September 2011, showing that TTT and Huaying Trading Company continued to export after stocks produced before the September 2010 mining ban had been exported during the first semester of 2011

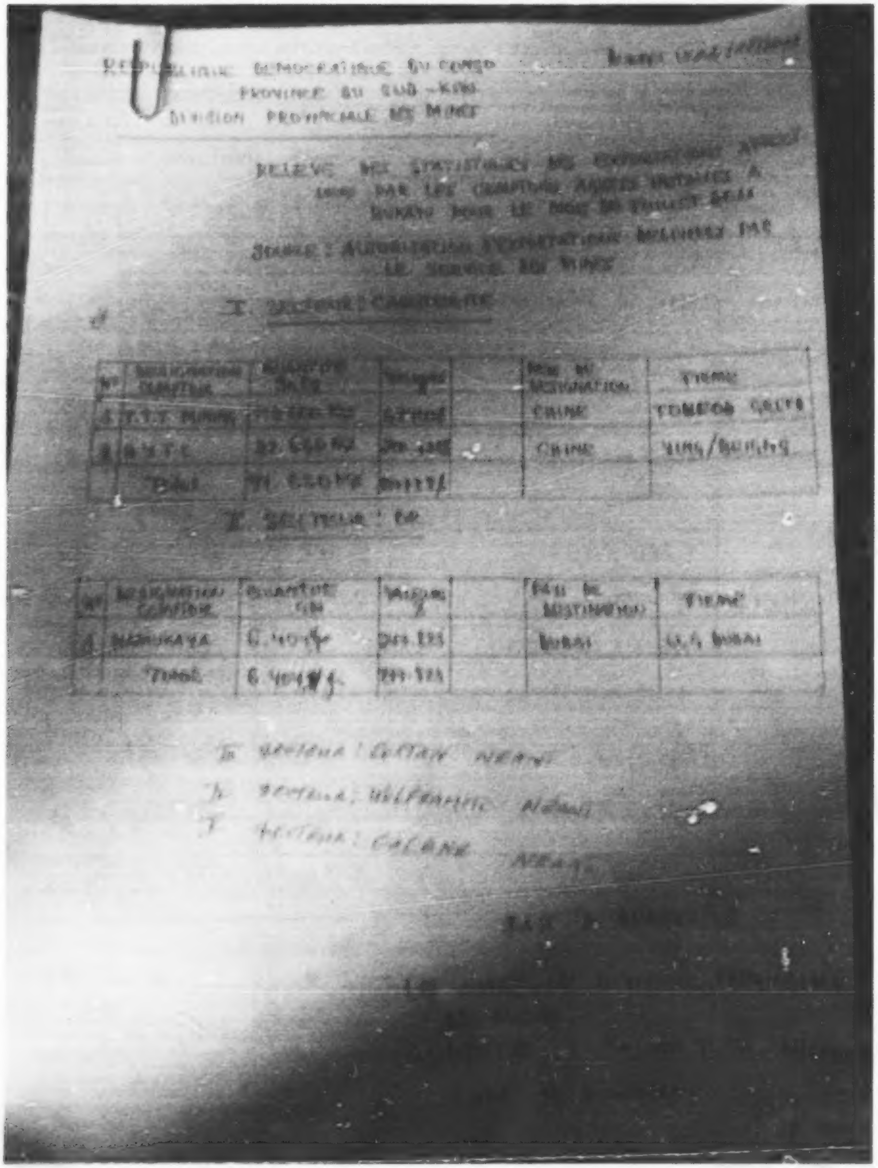


Situation des exportations 2011-2011

Période	Désignation Comptoirs	Quantité	Valeur	Substance
1er Semestre 2011	Afromet	25.513 kg	415.862 $	Cassite
	Bakulikira	106.060 kg	1741.340 $	
	Panju	101.940 kg	1796.183 $	
	Hua Ying Trading Company	24.000 kg	208.080 $	
	T.T.T. Mining sprl	49.500 kg	650.678 $	
	WMC sprl	34.320 kg	604.718 $	
		341.333 kg	5.416.861 $	Totaux
	Panju	18.048 kg	200.373 $	Coltan
	WMC	2755 kg	33.573 $	
		20,803 kg	233.946 $	
	NAMUKAYA	8.662,5 gr	347.886 $	Or
Juillet	TTT Mining sprl HYTC sprl	94.630 kg	824.728 $	Cassite
		6404 gr	277.823 $	Or
Août	TTT MINING PANJU	114.960 kg	976.708 $	Cassitérite
	TCI Sangon Investment	58.000 kg	99.334 $	Bakin
Septembre	TTT Mining sprl	48.000 kg	371.040 $	Cassite
	Totaux	598.923 kg 20.803 kg 15.066,5 gr 50.040 kg		Cassite Coltan Or Bakin

SEC/DIGITUNET
16/9/2011

E. South Kivu mineral export statistics for July 2011, showing the Chinese trading partners of *comptoirs* TTT and Huaying, which are the same as those in North Kivu[c]



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[a] By that date, the main international buyers (MSC, MSA, Trademet) had imported most of the stocks produced before the September 2010 mining ban and decided to stop purchasing untagged minerals produced after the lifting of the ban.

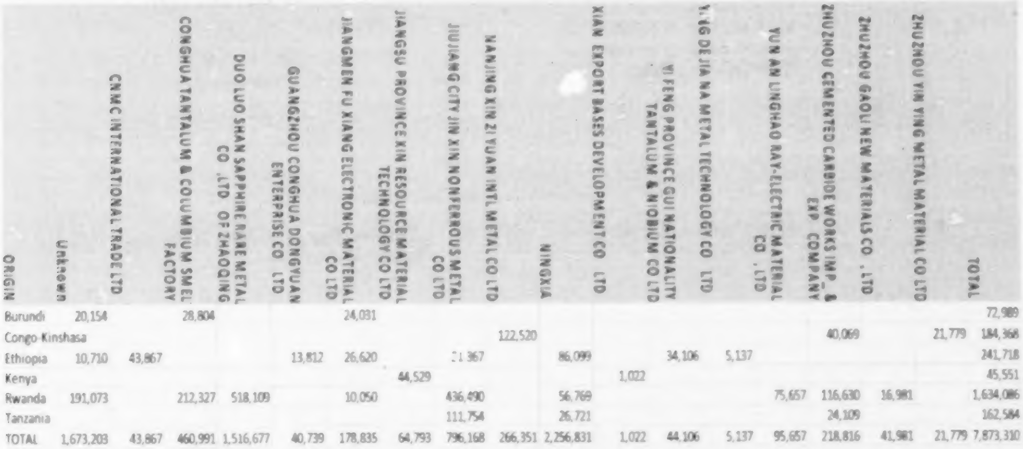
[b] Amur exported to Zambia (see A. above).

[c] See A above.

Annex 94

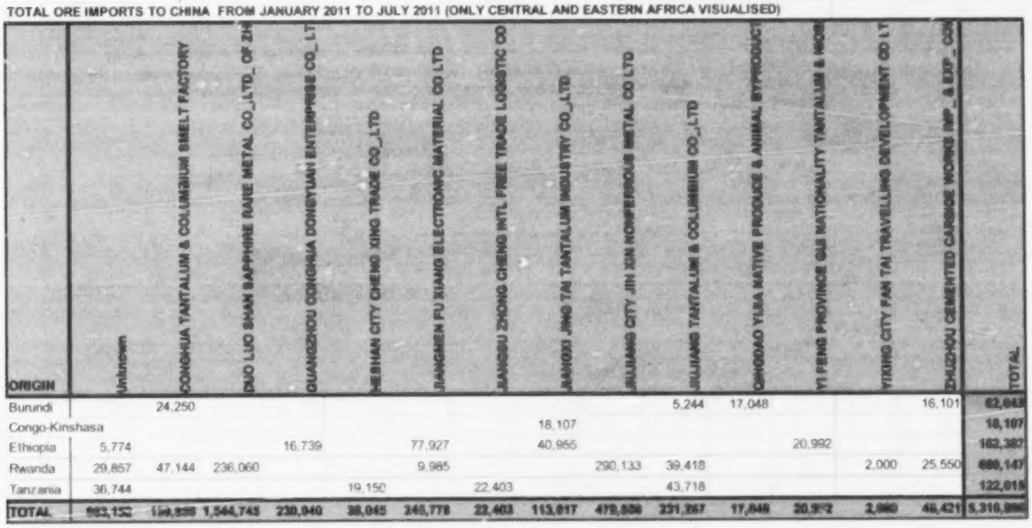
Ore imports to China in 2010 and 2011 from selected countries in Africa, showing that the only recorded importer of ore from the Democratic Republic of the Congo in 2011 is Jiangxi Jing Tai Tantalum Industry Corporation

TOTAL ORE IMPORTS TO CHINA FROM JANUARY 2010 TO DECEMBER 2010 (ONLY CENTRAL AND EASTERN AFRICA VISUALISED)



ORIGIN	Unknown	CNMC INTERNATIONAL TRADE LTD	CONGHUA TANTALUM & COLUMBIUM SMEL FACTORY	DUO LUO SHAN SAPPHIRE RARE METAL CO .LTD OF ZHAOQING	GUANGZHOU CONGHUA DONGYUAN ENTERPRISE CO LTD	JIANGMEN FU XIANG ELECTRONIC MATERIAL CO LTD	JIANGSU PROVINCE XIN RESOURCE MATERIAL TECHNOLOGY CO LTD	JIUJIANG CITY JIN XIN NONFERROUS METAL CO LTD	NANJING XIN ZI YUAN INTL METAL CO LTD	NINGXIA	XIAN EXPORT BASES DEVELOPMENT CO LTD	YI FENG PROVINCE GUI NATIONALITY TANTALUM & NIOBIUM CO LTD	YING DE JIA NA METAL TECHNOLOGY CO LTD	YUN AN LINGHAO RAY-ELECTRIC MATERIAL CO ., LTD	ZHUZHOU CEMENTED CARBIDE WORKS IMP_& EXP COMPANY	ZHUZHOU GAOLI NEW MATERIALS CO ., LTD	ZHUZHOU YIN YING METAL MATERIAL CO LTD	TOTAL
Burundi	20,154		28,804			24,031												72,989
Congo-Kinshasa									122,520						40,069		21,779	184,368
Ethiopia	10,710	43,867			13,812	26,620		21,367		86,099		34,106	5,137					241,718
Kenya							44,529				1,022							45,551
Rwanda	191,073		212,327	518,109		10,050		436,490		56,769				75,657	116,630	16,981		1,634,086
Tanzania								111,754		26,721					24,109			162,584
TOTAL	1,673,203	43,867	460,991	1,516,677	40,739	178,835	64,793	796,168	266,351	2,256,831	1,022	44,106	5,137	95,657	218,816	41,981	21,779	7,873,310

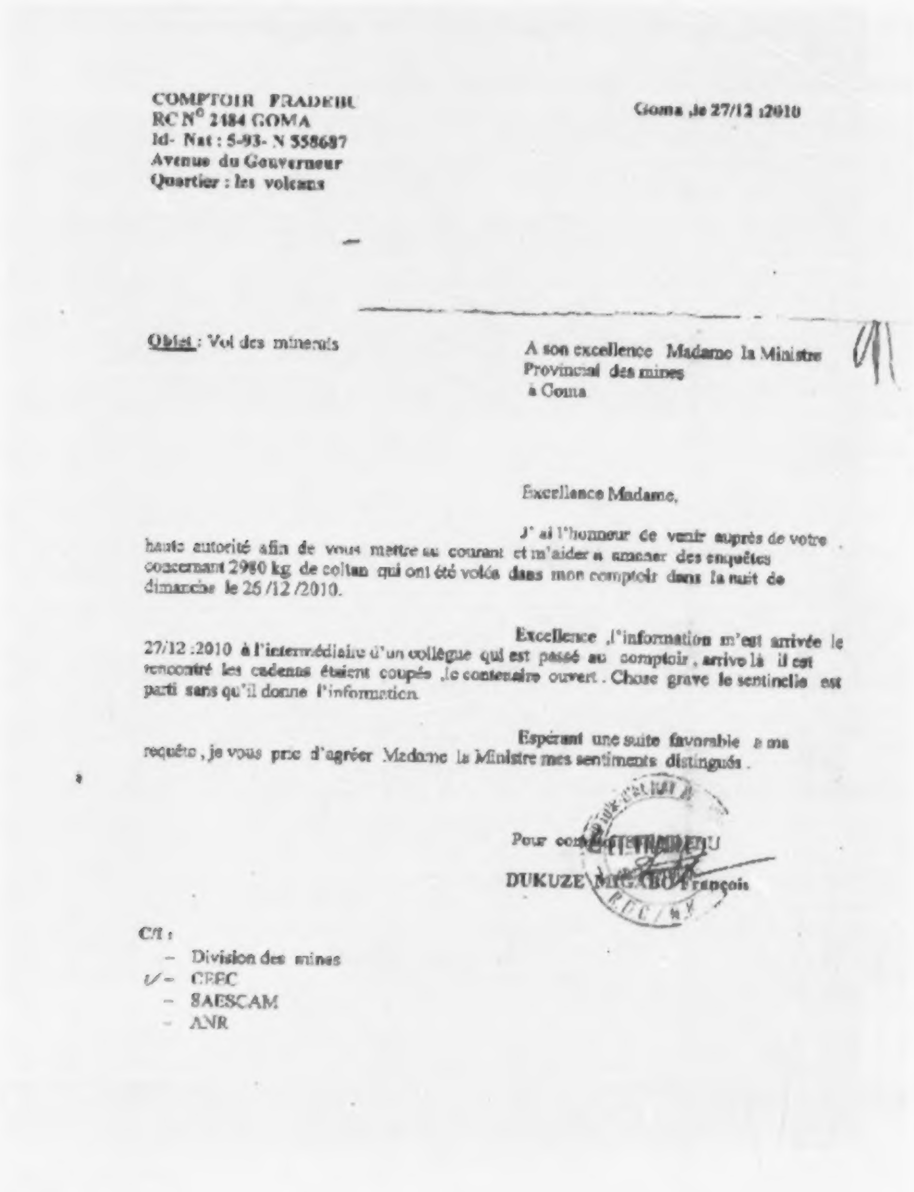
TOTAL ORE IMPORTS TO CHINA FROM JANUARY 2011 TO JULY 2011 (ONLY CENTRAL AND EASTERN AFRICA VISUALISED)



ORIGIN	Unknown	CONGHUA TANTALUM & COLUMBIUM SMELT FACTORY	DUO LUO SHAN SAPPHIRE RARE METAL CO_LTD_ OF ZH	GUANGZHOU CONGHUA DONGYUAN ENTERPRISE CO_LT	HESHAN CITY CHENG XING TRADE CO_LTD	JIANGMEN FU XIANG ELECTRONIC MATERIAL CO LTD	JIANGSU ZHONG CHENG INTL FREE TRADE LOGISTIC CO	JIANGXI JING TAI TANTALUM INDUSTRY CO_LTD	JIUJIANG CITY JIN XIN NONFERROUS METAL CO LTD	JIUJIANG TANTALUM & COLUMBIUM CO_LTD	QINGDAO YIJIA NATIVE PRODUCE & ANIMAL BYPRODUCT	YI FENG PROVINCE GUI NATIONALITY TANTALUM & NIO	YIXING CITY FAN TAI TRAVELLING DEVELOPMENT CO LT	ZHUZHOU CEMENTED CARBIDE WORKS IMP_ & EXP_ CO	TOTAL
Burundi		24,250								5,244	17,048			16,101	62,643
Congo-Kinshasa								18,107							18,107
Ethiopia	5,774			16,739		77,927		40,955				20,992			162,387
Rwanda	29,857	47,144	236,060			9,985			290,133	39,418			2,000	25,550	680,147
Tanzania	36,744				19,150		22,403			43,718					122,015
TOTAL	**983,152**	**[illegible]**	**1,544,745**	**230,040**	**38,045**	**245,778**	**22,403**	**113,017**	**[illegible]**	**231,267**	**17,048**	**20,992**	**2,000**	**46,421**	**[illegible]**

Annex 95

Declaration by the *comptoir* Fradebu of theft of minerals during the mining suspension



COMPTOIR FRADEBU
RC N° 2484 GOMA
Id- Nat : 5-93- N 558687
Avenue du Gouverneur
Quartier : les volcans

Goma ,le 27/12 :2010

Objet : Vol des minerais

A son excellence Madame la Ministre
Provincial des mines
à Goma

Excellence Madame,

J' ai l'honneur de venir auprès de votre haute autorité afin de vous mettre au courant et m'aider a amener des enquêtes concernant 2980 kg de coltan qui ont été volés dans mon comptoir dans la nuit de dimanche le 25 /12 /2010.

Excellence ,l'information m'est arrivée le 27/12 :2010 à l'intermédiaire d'un collègue qui est passé au comptoir , arrivo là il est rencontré les cadenas étaient coupés ,le contenaire ouvert . Chose grave le sentinelle est parti sans qu'il donne l'information.

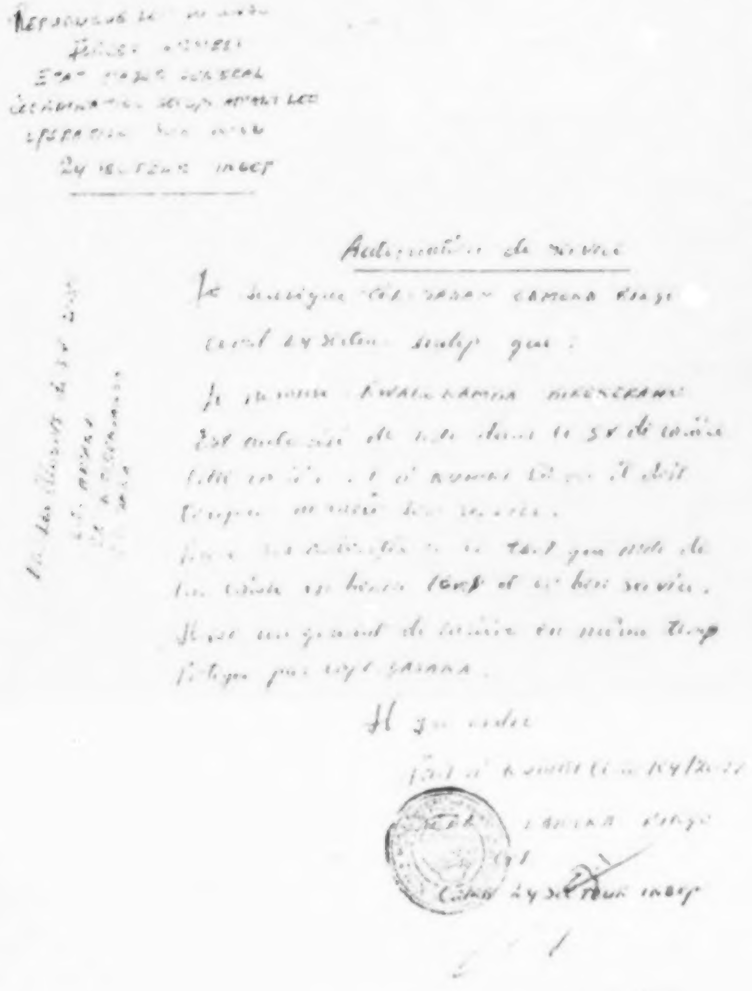
Espérant une suite favorable a ma requête , je vous prie d'agréer Madame la Ministre mes sentiments distingués .

Pour comptoir FRADEBU
DUKUZE MIGABO François

C/I :
- Division des mines
- ✓ CEEC
- SAESCAM
- ANR

Annex 96

Letter signed by Colonel Saddam Ringo ordering the installation of Rwaburamba Birekeraho as Kakenge manager, under the protection of Captain Gasana



Autorisation de service

Je soussigné COL SADAM [illegible] RINGO

[illegible] que :

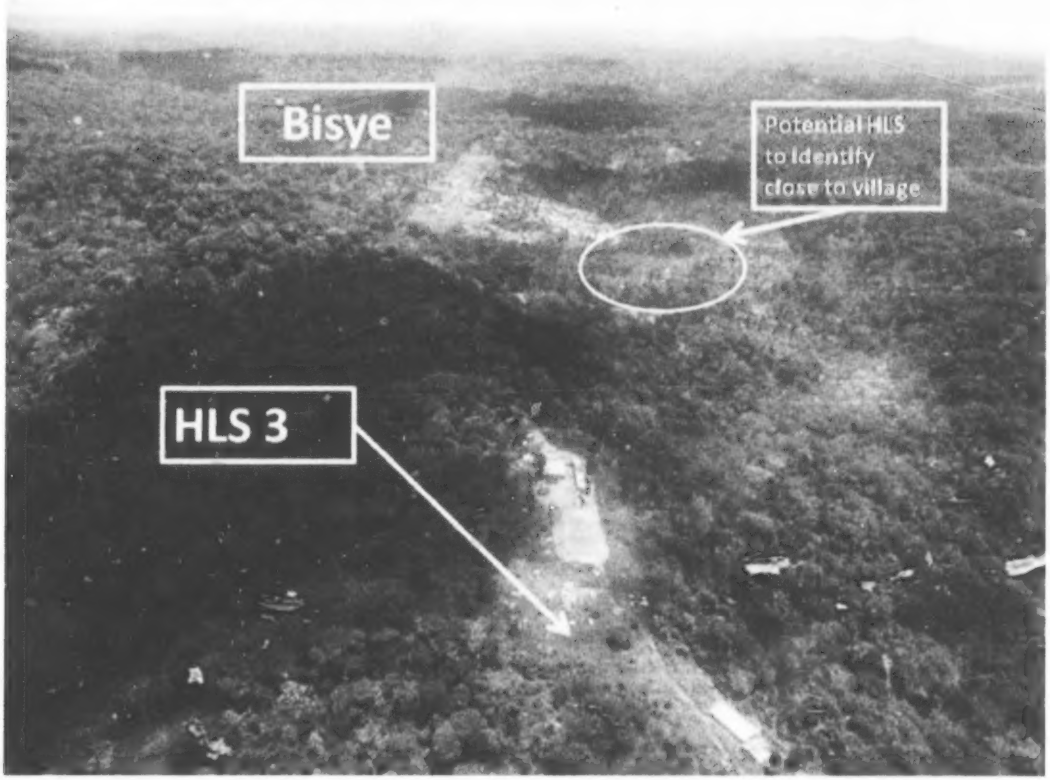
Je nommé [illegible]

[illegible] GASANA.

Il [illegible]

Annex 97

Aerial photograph of Bisie tin ore mine in Walikale

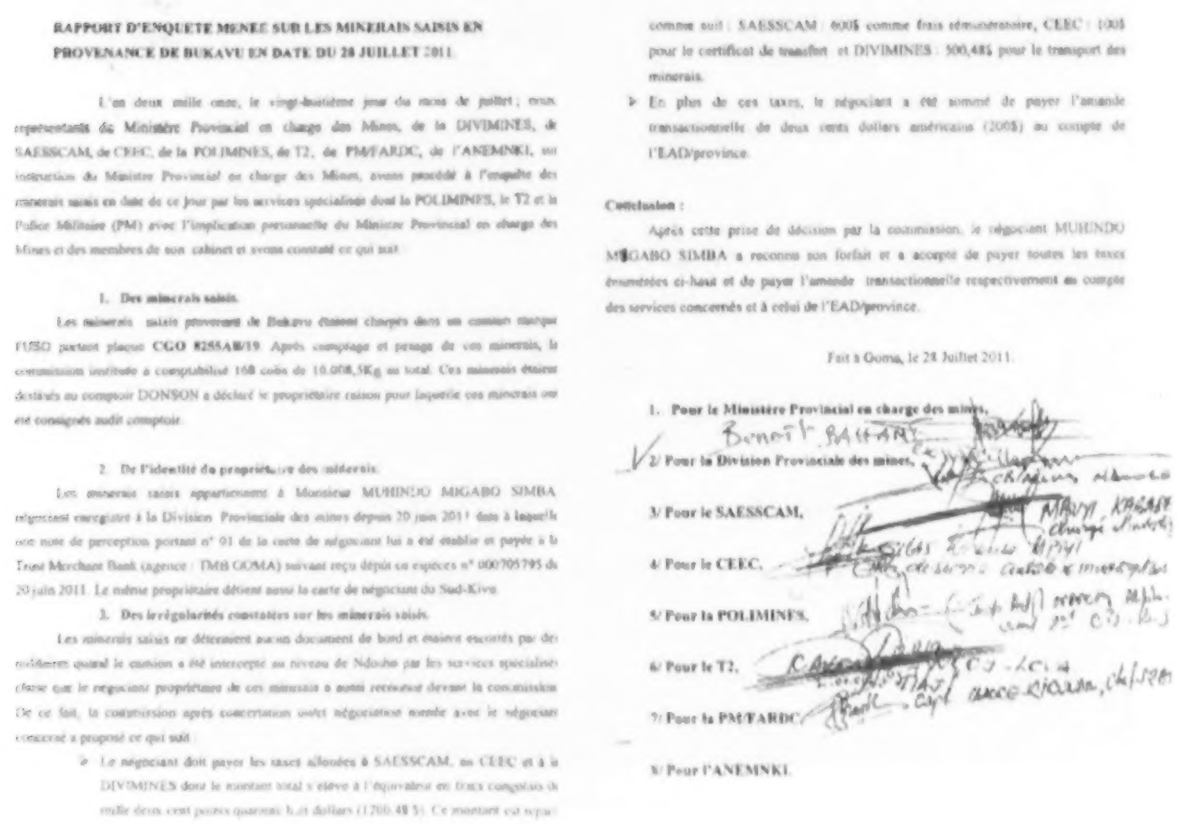


Annex 98

Biruwe military base in Walikale

Annex 99

Ministry of Mines investigation report on minerals seized in Goma on 28 July 2011



RAPPORT D'ENQUETE MENEE SUR LES MINERAIS SAISIS EN PROVENANCE DE BUKAVU EN DATE DU 28 JUILLET 2011

L'an deux mille onze, le vingt-huitième jour du mois de juillet ; nous représentants du Ministère Provincial en charge des Mines, de la DIVIMINES, de SAESSCAM, de CEEC, de la POLIMINES, de T2, de PM/FARDC, de l'ANEMNKI, sur instruction du Ministre Provincial en charge des Mines, avons procédé à l'enquête des minerais saisis en date de ce jour par les services spécialisés dont la POLIMINES, le T2 et la Police Militaire (PM) avec l'implication personnelle du Ministre Provincial en charge des Mines et des membres de son cabinet et avons constaté ce qui suit :

1. **Des minerais saisis.**

Les minerais saisis provenant de Bukavu étaient chargés dans un camion marque FUSO portant plaque **CGO 8255AB/19**. Après comptage et pesage de ces minerais, la commission instituée a comptabilisé 168 colis de 10.008,5Kg au total. Ces minerais étaient destinés au comptoir DONSON a déclaré le propriétaire raison pour laquelle ces minerais ont été consignés audit comptoir.

2. **De l'identité du propriétaire des minerais.**

Les minerais saisis appartiennent à Monsieur MUHINDO MIGABO SIMBA négociant enregistré à la Division Provinciale des mines depuis 20 juin 2011 date à laquelle une note de perception portant n° 01 de la carte de négociant lui a été établie et payée à la Trust Merchant Bank (agence : TMB GOMA) suivant reçu dépôt en espèces n° 000705795 du 20 juin 2011. Le même propriétaire détient aussi la carte de négociant du Sud-Kivu.

3. **Des irrégularités constatées sur les minerais saisis.**

Les minerais saisis ne détenaient aucun document de bord et étaient escortés par des militaires quand le camion a été intercepté au niveau de Ndosho par les services spécialisés chose que le négociant propriétaire de ces minerais a aussi reconnu devant la commission. De ce fait, la commission après concertation voire négociation menée avec le négociant concerné a proposé ce qui suit :

- ➢ Le négociant doit payer les taxes allouées à SAESSCAM, au CEEC et à la DIVIMINES dont le montant total s'élève à l'équivalent en francs congolais de mille deux cent points quarante huit dollars (1200.48 $). Ce montant est réparti comme suit : SAESSCAM : 600$ comme frais rémunératoire, CEEC : 100$ pour le certificat de transfert et DIVIMINES : 500,48$ pour le transport des minerais.
- ➢ En plus de ces taxes, le négociant a été sommé de payer l'amende transactionnelle de deux cents dollars américains (200$) au compte de l'EAD/province.

Conclusion :

Après cette prise de décision par la commission, le négociant MUHINDO MIGABO SIMBA a reconnu son forfait et a accepté de payer toutes les taxes énumérées ci-haut et de payer l'amende transactionnelle respectivement au compte des services concernés et à celui de l'EAD/province.

Fait à Goma, le 28 Juillet 2011.

1. **Pour le Ministère Provincial en charge des mines,**
Benoît BAHATI

2/ Pour la Division Provinciale des mines,

3/ Pour le SAESSCAM,

4/ Pour le CEEC,

5/ Pour la POLIMINES,

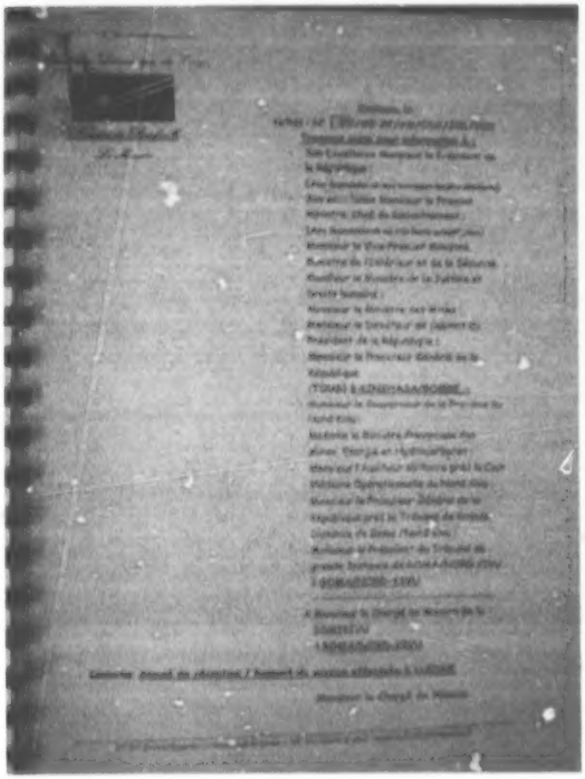
6/ Pour le T2,

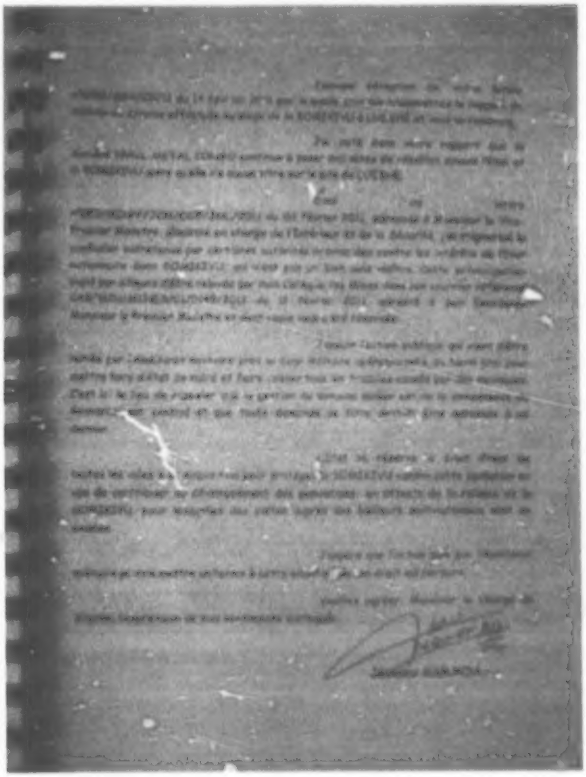
7/ Pour la PM/FARDC,

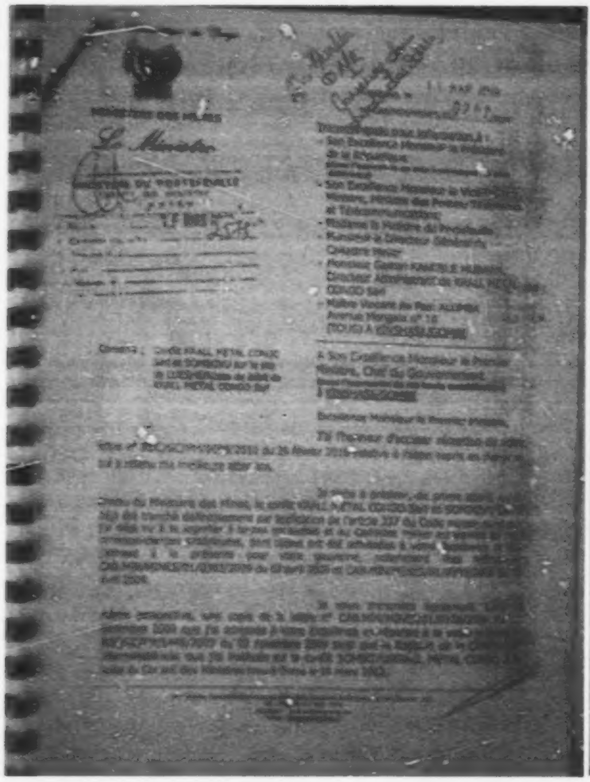
8/ Pour l'ANEMNKI.

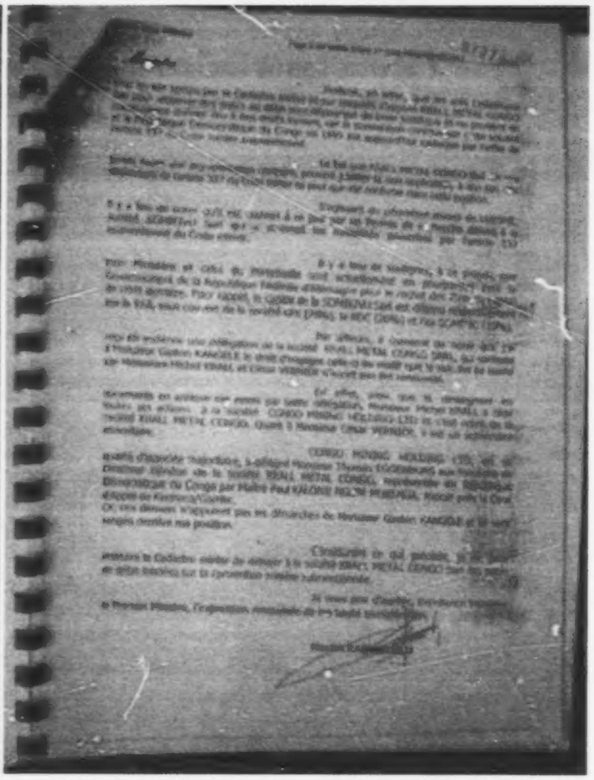
Annex 100

Letters from the Budget Minister and the Minister of Mines in support of Somikivu



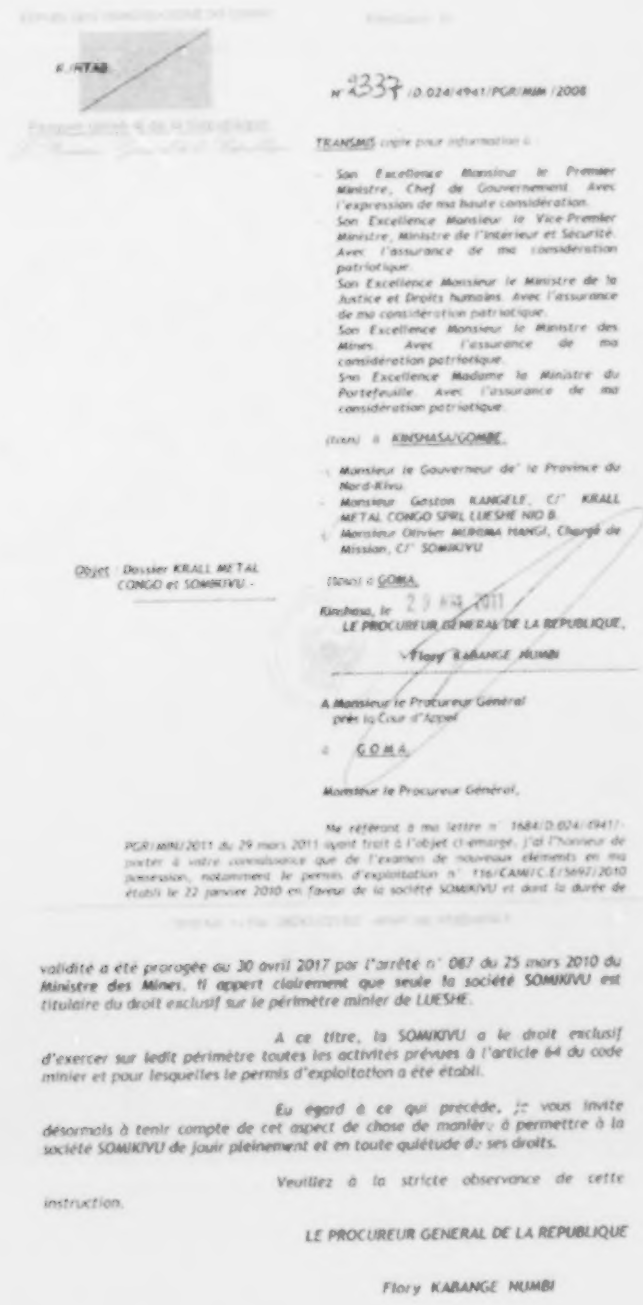






Annex 101

Letter from the Attorney General, indicating a change of opinion on the exploitation rights relating to Lueshe



N° 2337/D.024/4941/PGR/MIM/2008

TRANSMIS copie pour information à :

- Son Excellence Monsieur le Premier Ministre, Chef de Gouvernement. Avec l'expression de ma haute considération.
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité. Avec l'assurance de ma considération patriotique.
- Son Excellence Monsieur le Ministre de la Justice et Droits humains. Avec l'assurance de ma considération patriotique.
- Son Excellence Monsieur le Ministre des Mines. Avec l'assurance de ma considération patriotique.
- Son Excellence Madame le Ministre du Portefeuille. Avec l'assurance de ma considération patriotique.

(tous) à KINSHASA/GOMBE.

- Monsieur le Gouverneur de la Province du Nord-Kivu.
- Monsieur Gaston KANGELE, C/° KRALL METAL CONGO SPRL LUESHE NIO B.
- Monsieur Olivier MUROMA HANGI, Chargé de Mission, C/° SOMIKIVU

(tous) à GOMA.

Objet : Dossier KRALL METAL CONGO et SOMIKIVU.-

Kinshasa, le 29 AVR 2011

LE PROCUREUR GENERAL DE LA REPUBLIQUE,

Flory KABANGE NUMBI

A Monsieur le Procureur Général
près la Cour d'Appel

à GOMA.

Monsieur le Procureur Général,

Me référant à ma lettre n° 1684/D.024/4941/PGR/MNJ/2011 du 29 mars 2011 ayant trait à l'objet ci-émargé, j'ai l'honneur de porter à votre connaissance que de l'examen de nouveaux éléments en ma possession, notamment le permis d'exploitation n° 116/CAMI/C.E/5697/2010 établi le 22 janvier 2010 en faveur de la société SOMIKIVU et dont la durée de validité a été prorogée au 30 avril 2017 par l'arrêté n° 087 du 25 mars 2010 du Ministre des Mines, il appert clairement que seule la société SOMIKIVU est titulaire du droit exclusif sur le périmètre minier de LUESHE.

A ce titre, la SOMIKIVU a le droit exclusif d'exercer sur ledit périmètre toutes les activités prévues à l'article 64 du code minier et pour lesquelles le permis d'exploitation a été établi.

Eu égard à ce qui précède, je vous invite désormais à tenir compte de cet aspect de chose de manière à permettre à la société SOMIKIVU de jouir pleinement et en toute quiétude de ses droits.

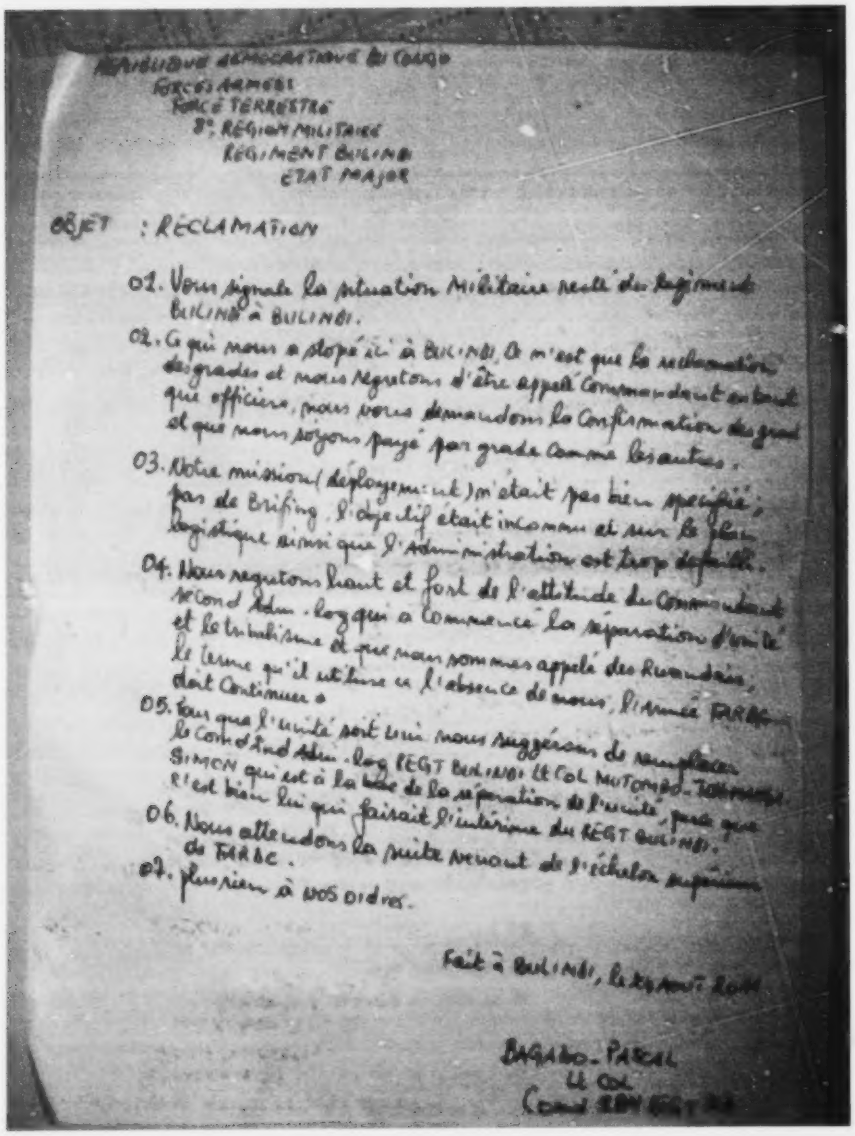
Veuillez à la stricte observance de cette instruction.

LE PROCUREUR GENERAL DE LA REPUBLIQUE

Flory KABANGE NUMBI

Annex 102

Letter from Lieutenant Colonel Pascal Bagabo, indicating his refusal to redeploy his regiment at Bulindi owing to involvement in the Lueshe mine dispute



REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
FORCE TERRESTRE
8e REGION MILITAIRE
REGIMENT BULINDI
ETAT MAJOR

OBJET : RECLAMATION

01. Vous signale la situation Militaire réelle du Regiment BULINDI à BULINDI.

02. Ce qui nous a stopé ici à BULINDI, Ce n'est que la reclamation des grades et nous regretons d'être appelé Commandant en tant que officiers, nous vous demandons la Confirmation des grad et que nous soyons payé par grade comme les autres.

03. Notre mission (deploiement) n'était pas bien specifié; pas de Brifing. l'objectif était inconnu et sur le plan logistique ainsi que l'Administration est trop defaillant.

04. Nous regretons haut et fort de l'attitude du Commandant second Adm. Log qui a commencé la séparation d'unité et le tribalisme et que nous sommes appelé des Rwandais, le terme qu'il utilise en l'absence de nous, l'Armée FARDC doit Continuer.

05. Pour que l'unité soit uni nous suggérons de remplacer le Cmd 2nd Adm. Log REGT BULINDI Lt Col MUTOMBO-TSHIMANGA SIMON qui est à la base de la séparation de l'unité, parce que c'est bien lui qui faisait l'intérime du REGT BULINDI.

06. Nous attendons la suite venant de l'échelon supérieur de FARDC.

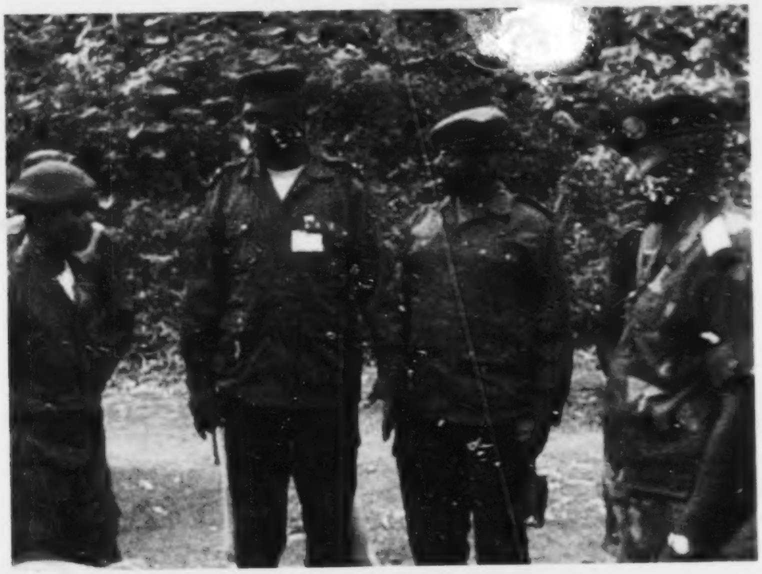
07. plus rien à vos ordres.

Fait à BULINDI, le [illegible] Août 2011

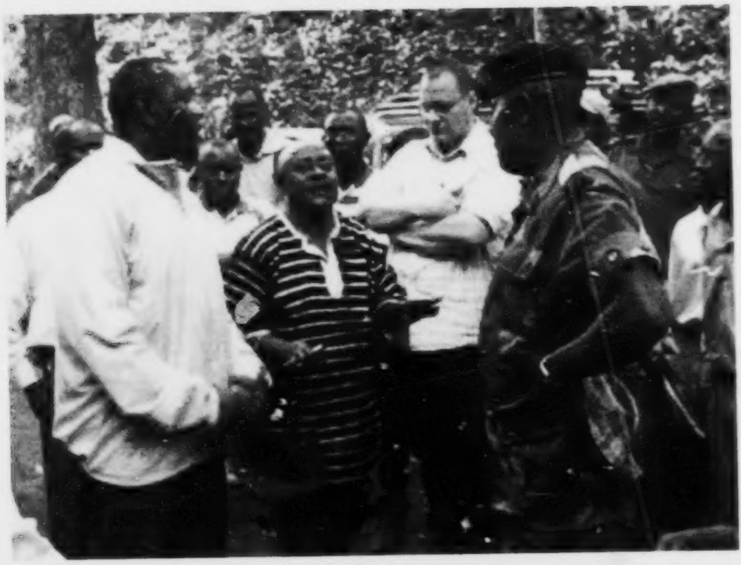
BAGABO-PASCAL
Lt Col
Comd [illegible]

Annex 103

Images from video footage taken at the Lueshe mining site



Bagabo is second from the left

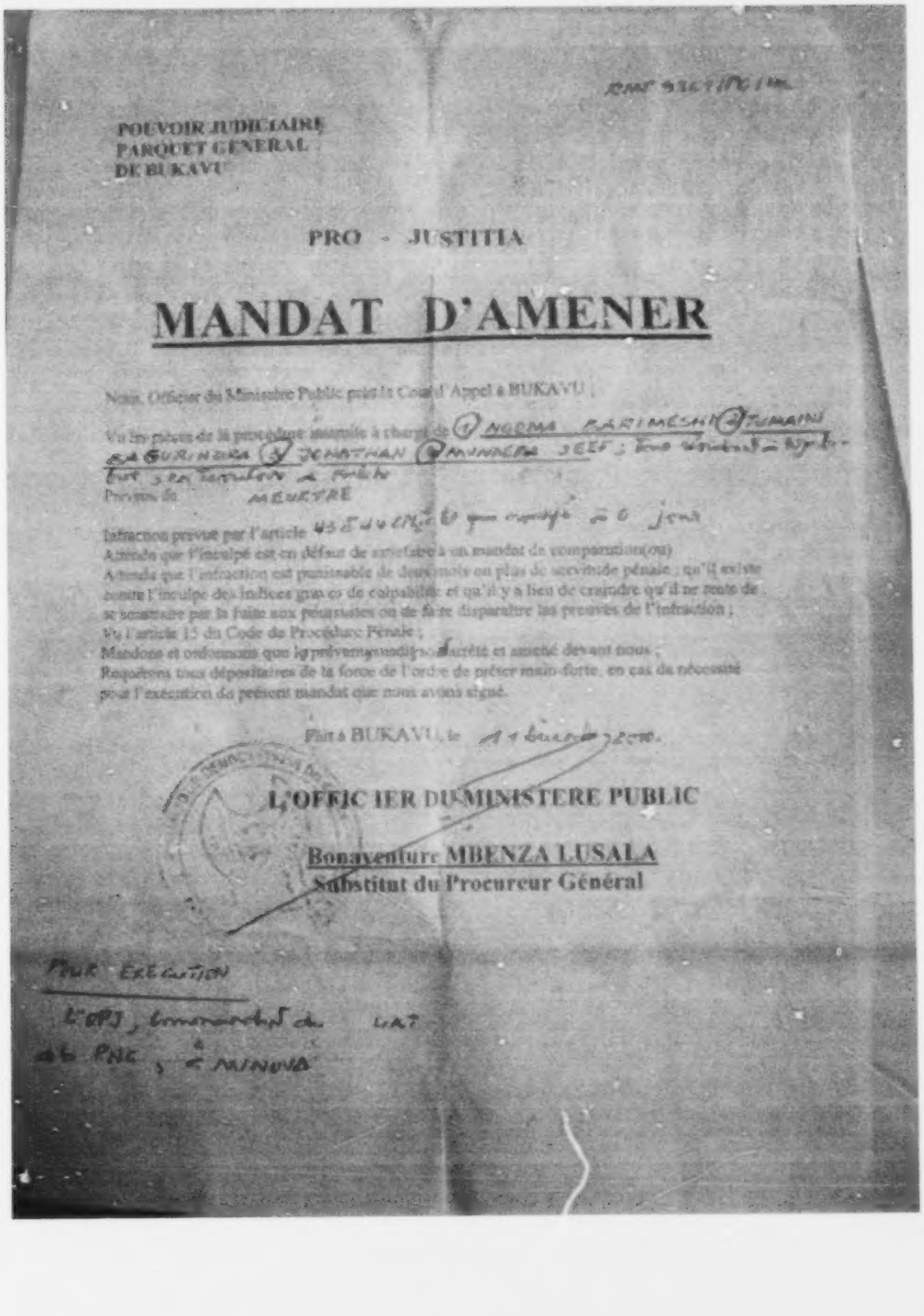


From left: Valery Tshimpaka, Gaston Kangele, Christian Buchta and Roger Mukupi

Jean Damase Mugimba

Annex 104

Arrest warrant for Tumaini Bagurinzira and consorts, issued on 11 December 2010



RMP [illegible]

POUVOIR JUDICIAIRE
PARQUET GENERAL
DE BUKAVU

PRO - JUSTITIA

MANDAT D'AMENER

Nous, Officier du Ministère Public près la Cour d'Appel à BUKAVU ;

Vu les pièces de la procédure instruite à charge de ① NGOMA KARIMESHI ② TUMAINI BAGURINDRA ③ JONATHAN ④ MUHINDRA JEEF ; [illegible]

Prévenu de MEURTRE

Infraction prévue par l'article [illegible]
Attendu que l'inculpé est en défaut de satisfaire à un mandat de comparution(ou)
Attendu que l'infraction est punissable de deux mois ou plus de servitude pénale ; qu'il existe contre l'inculpé des indices graves de culpabilité et qu'il y a lieu de craindre qu'il ne tente de se soustraire par la fuite aux poursuites ou de faire disparaître les preuves de l'infraction ;
Vu l'article 15 du Code de Procédure Pénale ;
Mandons et ordonnons que le prévenu susdit soit arrêté et amené devant nous ;
Requérons tous dépositaires de la force de l'ordre de prêter main-forte, en cas de nécessité pour l'exécution du présent mandat que nous avons signé.

Fait à BUKAVU, le 11 décembre 2010.

L'OFFICIER DU MINISTERE PUBLIC

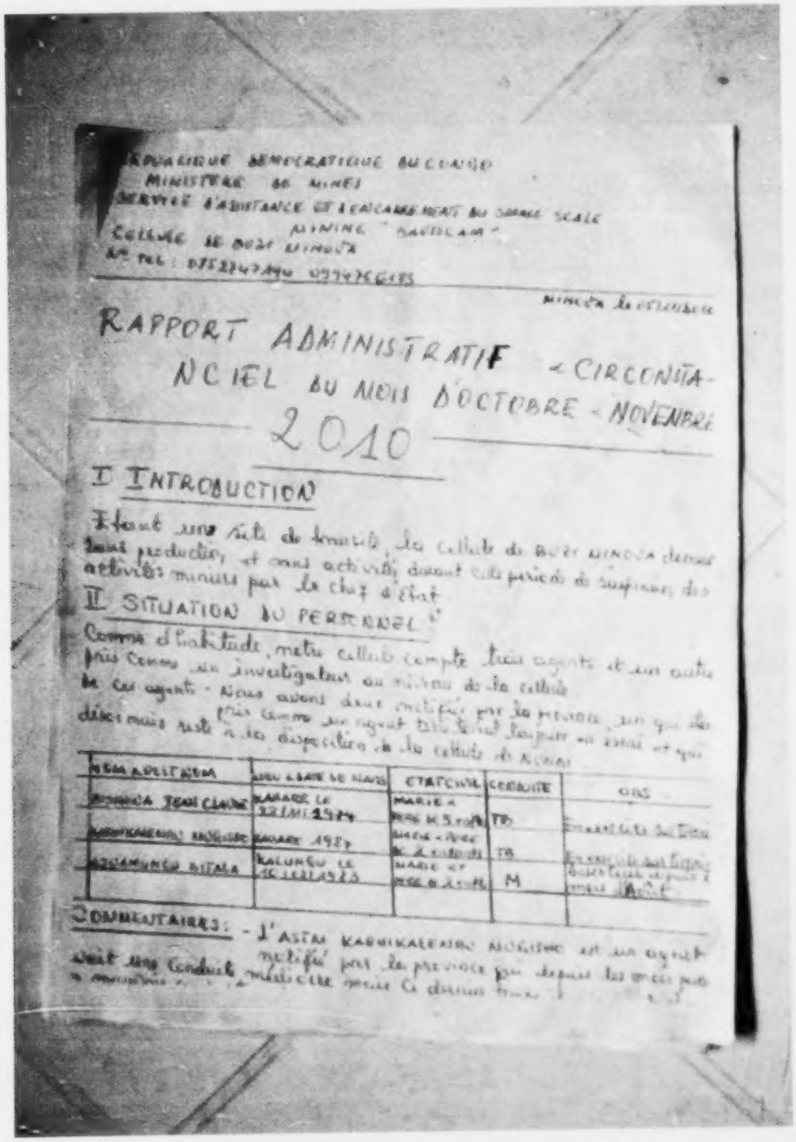
Bonaventure MBENZA LUSALA
Substitut du Procureur Général

POUR EXECUTION

L'OPJ, Commandant de UAT
de PNC, à MINOVA

Annex 105

Letter from mining authorities denouncing illegal exploitation by Bagurinzira, with the support of the military under FARDC Sector Commander Colonel Ringo



RÉPUBLIQUE DÉMOCRATIQUE DU CONGO
MINISTÈRE DES MINES
SERVICE D'ASSISTANCE ET D'ENCADREMENT DU SMALL SCALE MINING "SAESSCAM"
CELLULE DE BUZI MINOVA
N° TEL : [illegible]

Minova, le [illegible]

RAPPORT ADMINISTRATIF - CIRCONSTANCIEL DU MOIS D'OCTOBRE - NOVEMBRE 2010

I INTRODUCTION

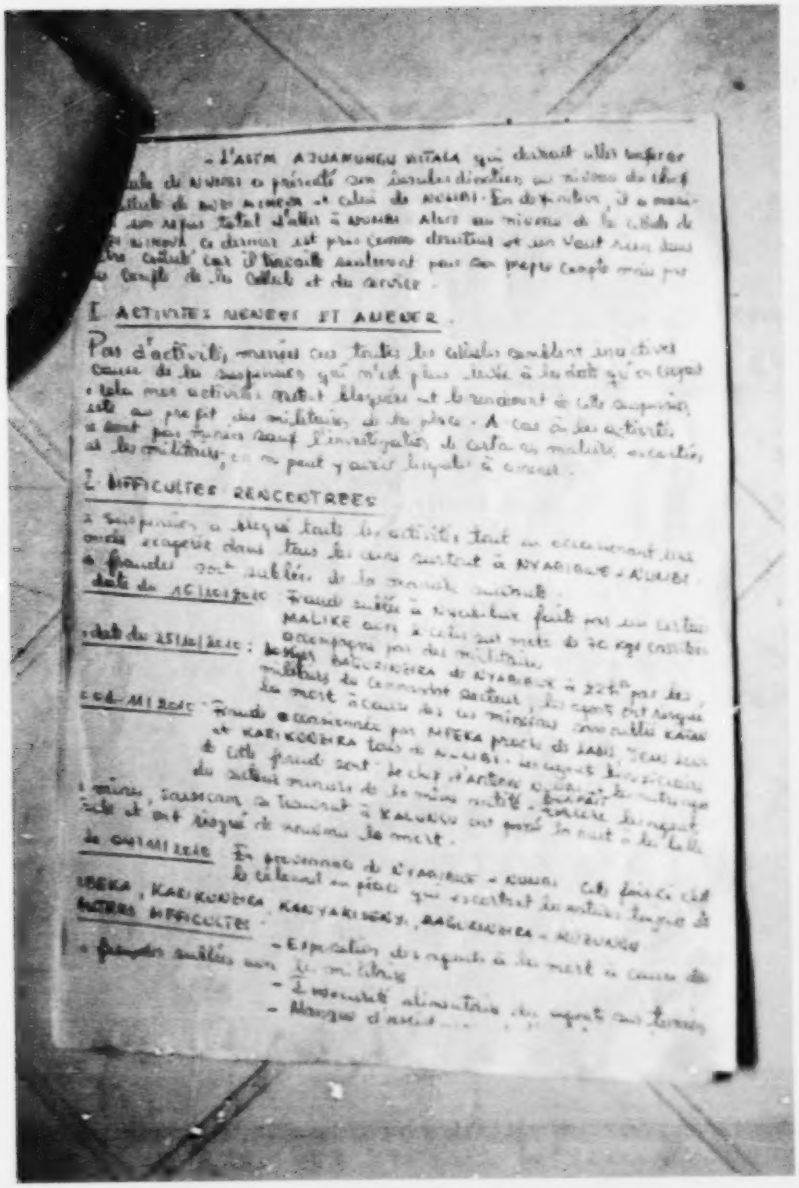
Etant une site de [illegible], la cellule de BUZI MINOVA demeure sans production, et sans activités durant cette période de suspension des activités minières par le chef d'État

II SITUATION DU PERSONNEL :

Comme d'habitude, notre cellule compte trois agents et un autre pris comme un investigateur au niveau de la cellule [illegible] de ces agents. Nous avons deux notifiés par la province, un qui a été pris comme un agent [illegible] toujours en [illegible] et qui [illegible] reste à la disposition de la cellule de Minova

NOM & POST-NOM	LIEU & DATE DE NAISS	ÉTAT CIVIL	CONDUITE	OBS.
[illegible] JEAN CLAUDE	KABARE LE [illegible] 1974	MARIÉ A [illegible] DE 5 [illegible]	TB	[illegible]
[illegible]	KABARE 1987	MARIÉ [illegible]	TB	[illegible]
[illegible] BITALA	KALUNGU LE [illegible]	MARIÉ ET [illegible]	M	[illegible]

COMMENTAIRES : - L'AGENT KABWIKALEKAIRU MUGISHO est un agent notifié par la province qui depuis les mois passés avait une conduite médiocre mais ce dernier [illegible]



I. ACTIVITES MENEES ET AVENIR

Pas d'activités menées car toutes les cellules semblent inactives à cause de la suspension [illegible]

2. DIFFICULTES RENCONTREES

[illegible] NYABIBWE [illegible]

MALIKE [illegible]

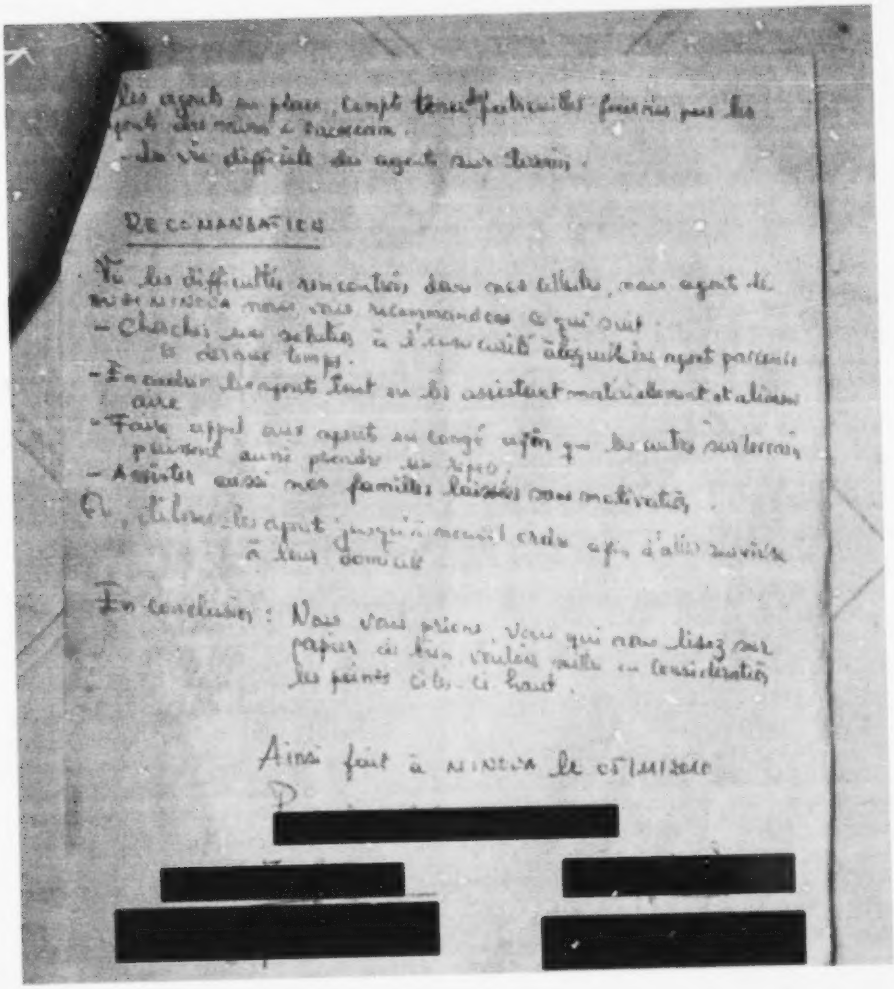
KARIKOGHERA [illegible] KALUNGU [illegible]

AUTRES DIFFICULTES

– Exposition des agents à la mort à cause des militaires

– [illegible] alimentaire des agents aux terrains

– Manque d'[illegible]



les agents en place, compte tenu difficultés fournies par les agents des mines à [illegible].

- La vie difficile des agents sur terrain.

RECOMMANDATION

Vu les difficultés rencontrées dans ces tâches, nous agents de mine MINOVA nous vous recommandons ce qui suit :

- Chercher une solution à l'insécurité à laquelle les agents passent ces derniers temps.
- Encourager les agents tout en les assistant matériellement et alimentaire.
- Faire appel aux agents en congé afin que les autres sur terrain puissent aussi prendre un repos.
- Assister aussi nos familles laissées sans motivation,

Et, libérer les agents jusqu'à nouvel ordre afin d'aller survivre à leur domicile

En conclusion : Nous vous prions, vous qui nous lisez sur papier de bien vouloir mettre en considération les points cités ci haut.

Ainsi fait à MINOVA le 05/11/2010

P

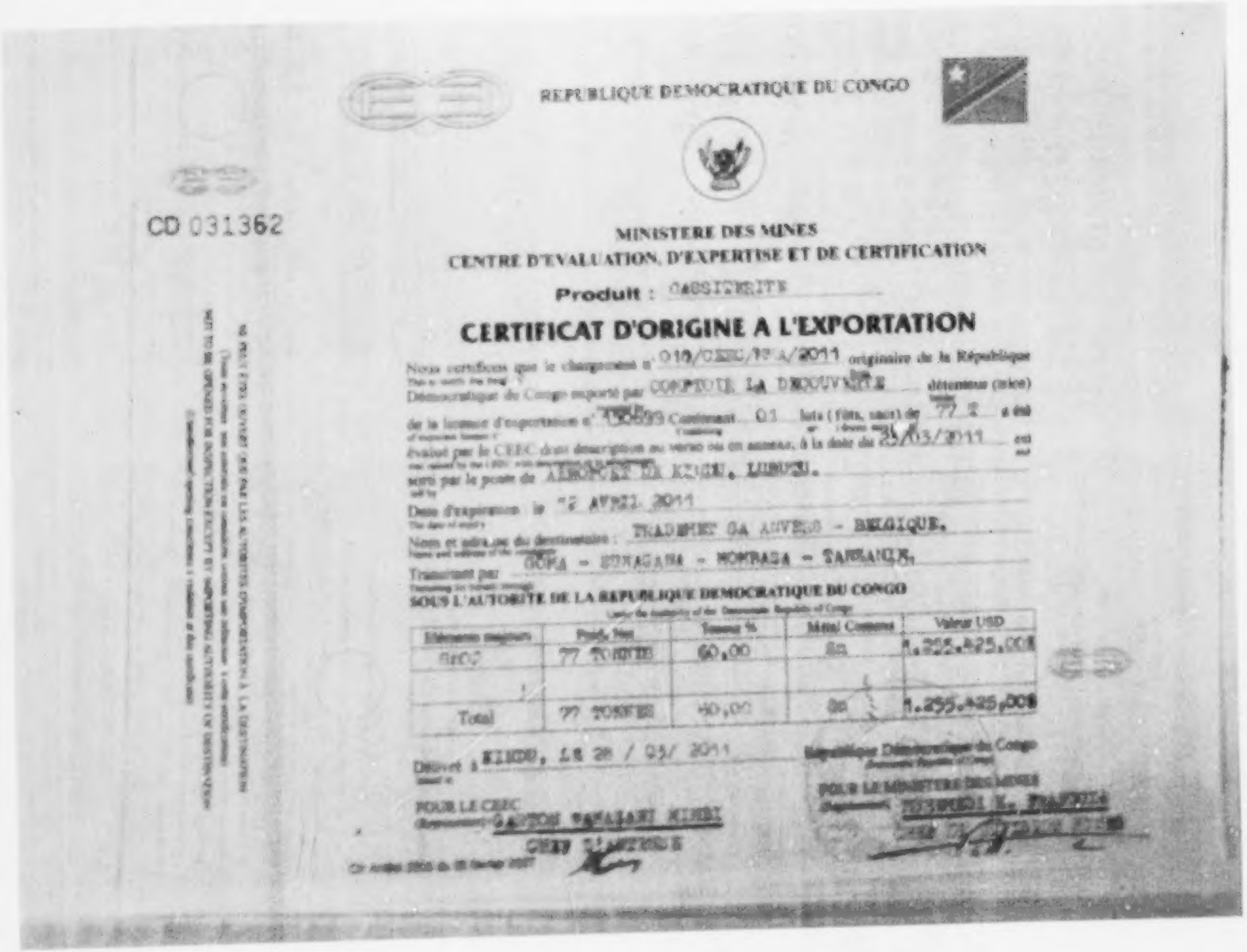
[redacted]

[redacted] [redacted]

[redacted] [redacted]

Annex 106

Centre d'évaluation, expertise et contrôle certificate showing that *comptoir* Découverte operates through Lubutu



CD 031362

REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DES MINES
CENTRE D'EVALUATION, D'EXPERTISE ET DE CERTIFICATION

Produit : CASSITERITE

CERTIFICAT D'ORIGINE A L'EXPORTATION

Nous certifions que le chargement n° 010/CEEC/MA/2011 originaire de la République Démocratique du Congo exporté par COMPTOIR LA DECOUVERTE détenteur (trice) de la licence d'exportation n° [illegible] Contenant 01 lots (fûts, sacs) de 77 T a été évalué par le CEEC dont description au verso ou en annexe, à la date du 23/03/2011 est sorti par le poste de AEROPORT DE KINDU, LUBUTU.

Date d'expiration : le 12 AVRIL 2011

Nom et adresse du destinataire : TRADEMET SA ANVERS - BELGIQUE.

Transitant par GOMA - KIGALI - MOMBASA - TANZANIE.

SOUS L'AUTORITE DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO

Eléments majeurs	Poids Net	Teneur %	Métal Contenu	Valeur USD
SnO2	77 TONNES	60,00	Sn	1.255.425,00$
Total	77 TONNES	60,00	Sn	1.255.425,00$

Délivré à KINDU, LE 28 / 03/ 2011

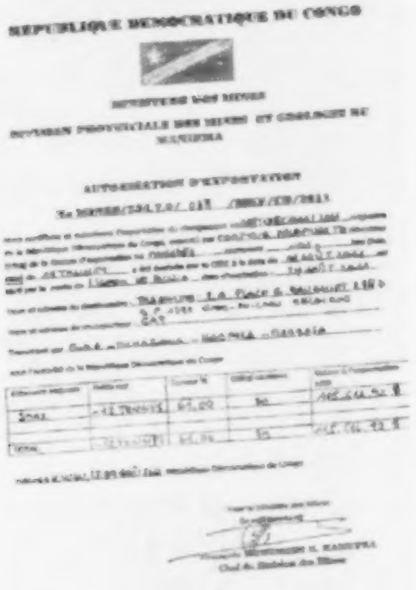
POUR LE CEEC
GASTON WAMASANI KINDI
CHEF D'ANTENNE

République Démocratique du Congo
POUR LE MINISTERE DES MINES
[illegible] K. [illegible]

NE PEUT ÊTRE OUVERT QUE PAR LES AUTORITES D'IMPORTATION À LA DESTINATION
NOT TO BE OPENED FOR INSPECTION EXCEPT BY IMPORTING AUTHORITY OF DESTINATION

Annex 107

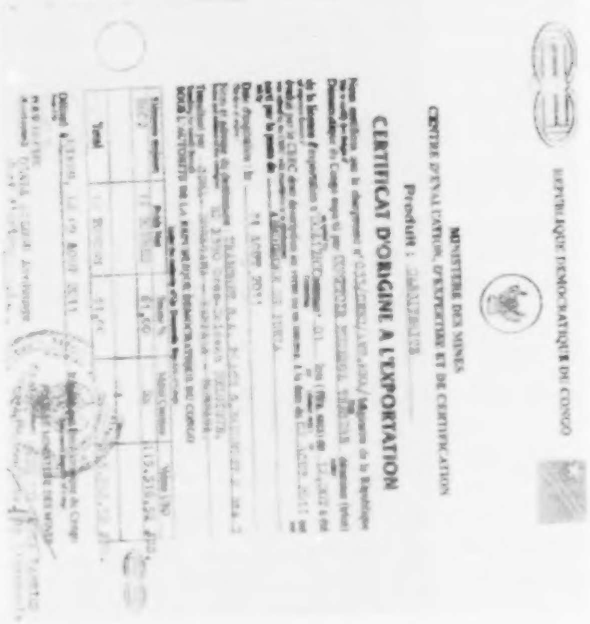
Examples of several export documents containing incorrect information about the destination of minerals and including a reference to Trademet


REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DES MINES

DIVISION PROVINCIALE DES MINES ET GEOLOGIE DU MANIEMA

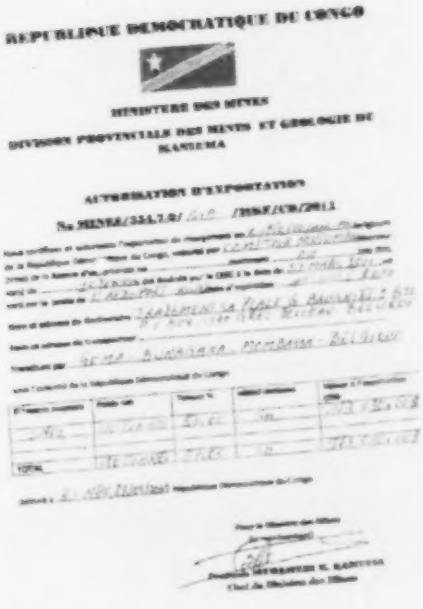
AUTORISATION D'EXPORTATION


REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DES MINES

CENTRE D'EVALUATION, D'EXPERTISE ET DE CERTIFICATION

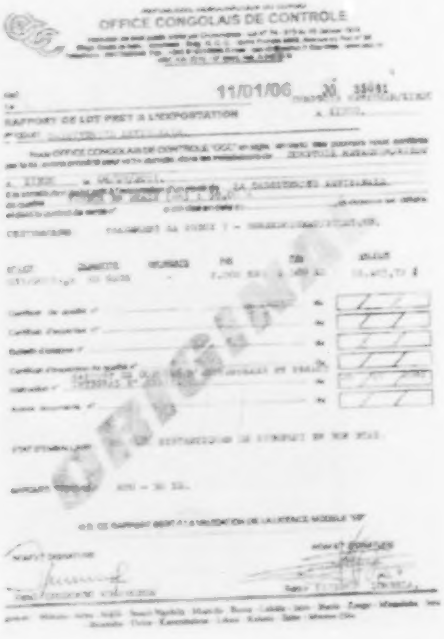
CERTIFICAT D'ORIGINE A L'EXPORTATION


REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DES MINES

DIVISION PROVINCIALE DES MINES ET GEOLOGIE DU MANIEMA

AUTORISATION D'EXPORTATION

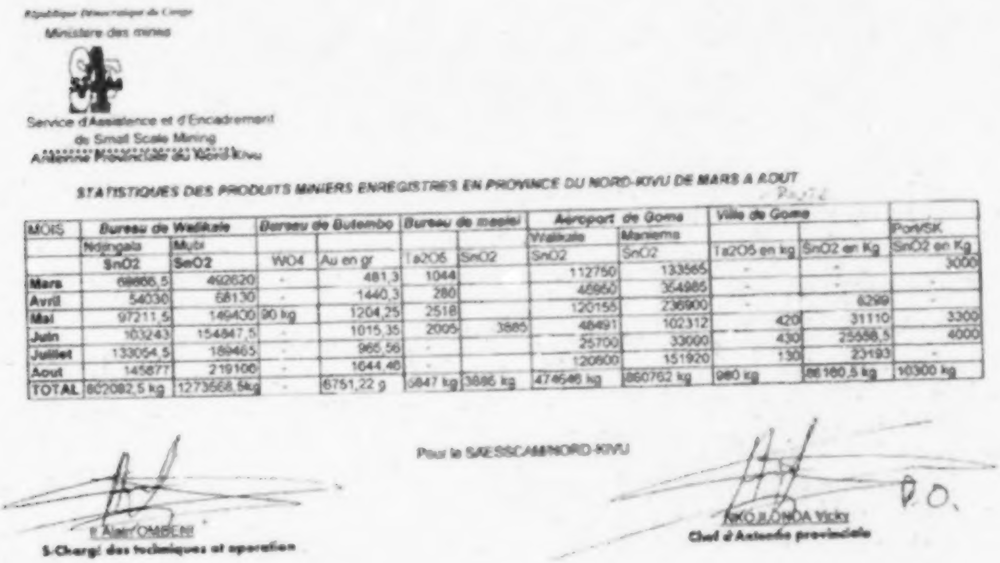

OFFICE CONGOLAIS DE CONTROLE

11/01/06

RAPPORT DE LOT PRET A L'EXPORTATION

Annex 108

Official *Service d'assistance et d'encadrement du Small Scale Mining* statistics showing the quantity of minerals arriving in Goma by air and by road



République Démocratique du Congo
Ministère des mines

Service d'Assistance et d'Encadrement
de Small Scale Mining
Antenne Provinciale du Nord-Kivu

STATISTIQUES DES PRODUITS MINIERS ENREGISTRES EN PROVINCE DU NORD-KIVU DE MARS A AOUT

Route

MOIS	Bureau de Walikale		Bureau de Butembo		Bureau de masisi		Aéroport de Goma		Ville de Goma		
	Ndjingala	Mubi					Walikale	Maniema			Pon/SK
	SnO2	SnO2	WO4	Au en gr	Ta2O5	SnO2	SnO2	SnO2	Ta2O5 en kg	SnO2 en Kg	SnO2 en Kg
Mars	68866,5	492620	-	481,3	1044		112750	133565	-	-	3000
Avril	54030	68130	-	1440,3	280		46950	354985	-	-	-
Mai	97211,5	149400	90 kg	1204,25	2518		120155	236900	-	6299	-
Juin	103243	154847,5	-	1015,35	2005	3885	48491	102312	420	31110	3300
Juillet	133054,5	189465	-	965,56	-		25700	33000	430	25658,5	4000
Aout	145877	219100	-	1644,46	-		120600	151920	130	23193	-
TOTAL	802082,5 kg	1273562,5kg	-	6751,22 g	5847 kg	3885 kg	474646 kg	860762 kg	980 kg	86160,5 kg	10300 kg

Pour le SAESSCAM/NORD-KIVU

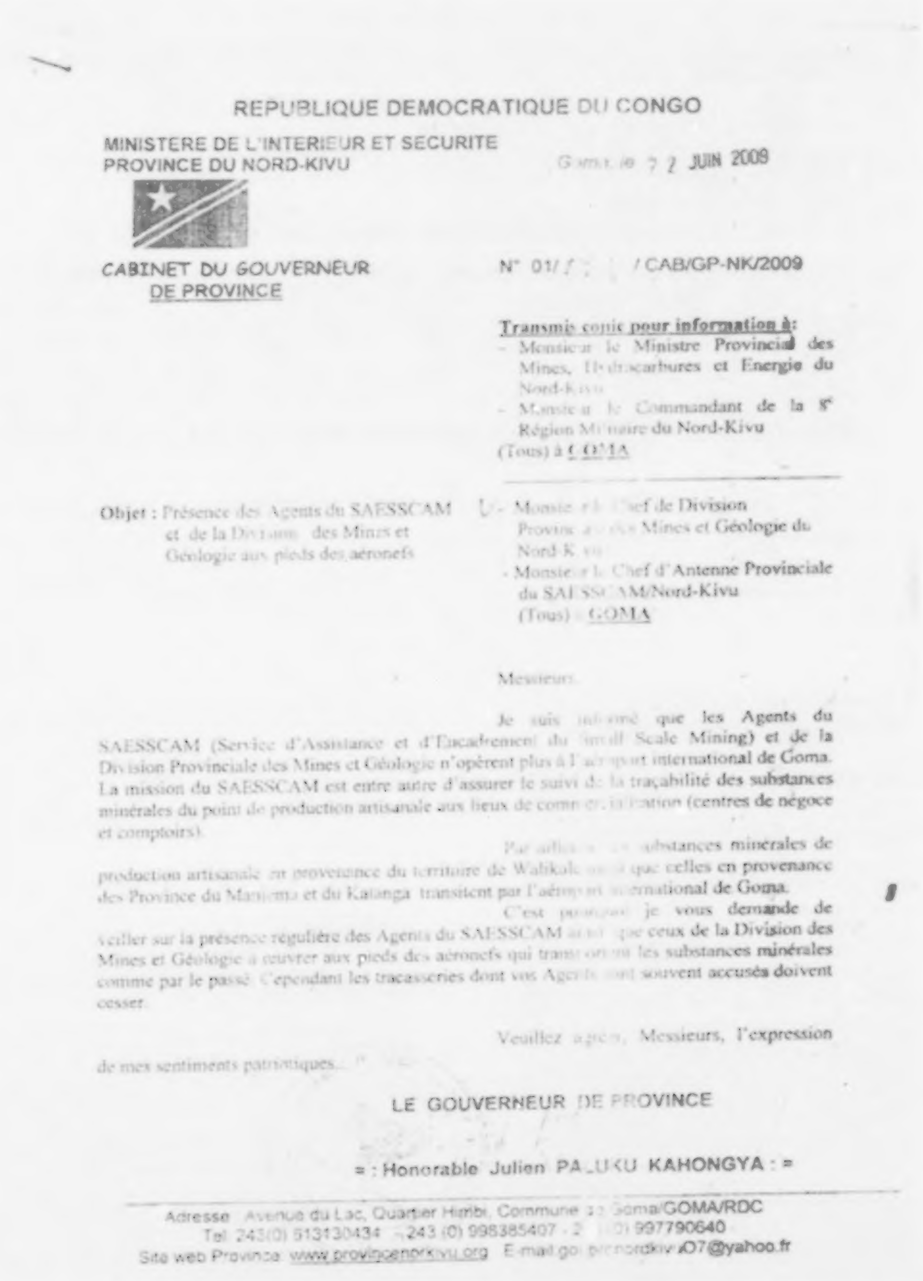
Ir Alain OMBENI
S-Chargé des techniques et operation

NKO ILONDA Vicky
Chef d'Antenne provinciale

P.O.

Annex 109

Communication reflecting the removal of the mining authorities from Goma airport



REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE L'INTERIEUR ET SECURITE
PROVINCE DU NORD-KIVU

Goma, le 22 JUIN 2009

CABINET DU GOUVERNEUR
DE PROVINCE

N° 01/ [illegible] /CAB/GP-NK/2009

Transmis copie pour information à:

- Monsieur le Ministre Provincial des Mines, Hydrocarbures et Energie du Nord-Kivu
- Monsieur le Commandant de la 8e Région Militaire du Nord-Kivu

(Tous) à GOMA

Objet : Présence des Agents du SAESSCAM et de la Division des Mines et Géologie aux pieds des aéronefs

- Monsieur le Chef de Division Provinciale des Mines et Géologie du Nord-Kivu
- Monsieur le Chef d'Antenne Provinciale du SAESSCAM/Nord-Kivu

(Tous) à GOMA

Messieurs,

Je suis informé que les Agents du SAESSCAM (Service d'Assistance et d'Encadrement du Small Scale Mining) et de la Division Provinciale des Mines et Géologie n'opèrent plus à l'aéroport international de Goma. La mission du SAESSCAM est entre autre d'assurer le suivi de la traçabilité des substances minérales du point de production artisanale aux lieux de commercialisation (centres de négoce et comptoirs).

Par ailleurs, les substances minérales de production artisanale en provenance du territoire de Walikale ainsi que celles en provenance des Province du Maniema et du Katanga transitent par l'aéroport international de Goma.

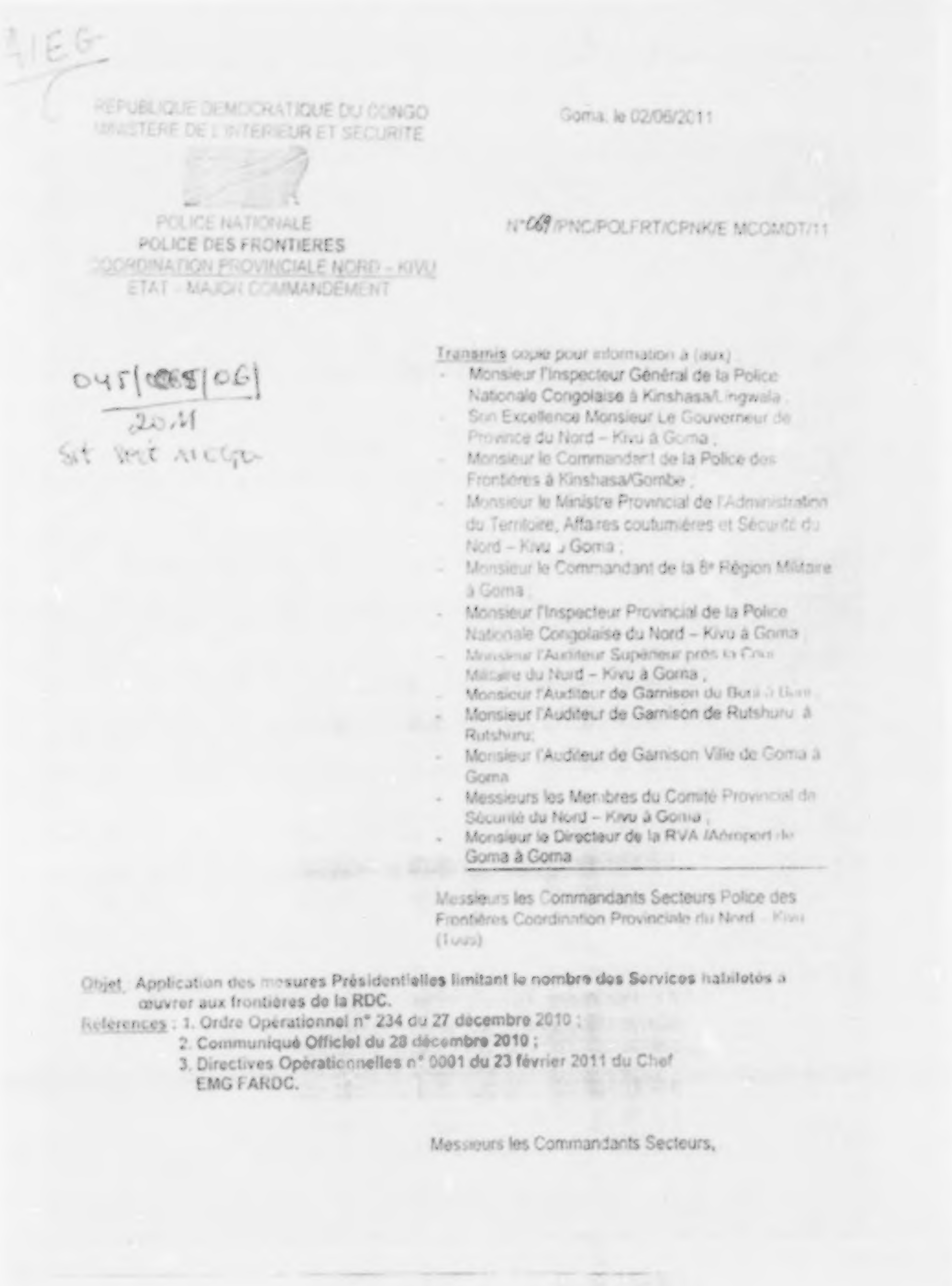
C'est pourquoi je vous demande de veiller sur la présence régulière des Agents du SAESSCAM ainsi que ceux de la Division des Mines et Géologie à œuvrer aux pieds des aéronefs qui transportent les substances minérales comme par le passé. Cependant les tracasseries dont vos Agents sont souvent accusés doivent cesser.

Veuillez agréer, Messieurs, l'expression de mes sentiments patriotiques.

LE GOUVERNEUR DE PROVINCE

=: Honorable Julien PALUKU KAHONGYA :=

Adresse : Avenue du Lac, Quartier Himbi, Commune de Goma/GOMA/RDC
Tel: 243(0) 813130434 - 243 (0) 998385407 - 243 (0) 997790640
Site web Province: www.provincenordkivu.org E-mail: gouvprovnordkivu07@yahoo.fr



AIEG

REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE L'INTERIEUR ET SECURITE

POLICE NATIONALE
POLICE DES FRONTIERES
COORDINATION PROVINCIALE NORD – KIVU
ETAT – MAJOR COMMANDEMENT

Goma, le 02/06/2011

N°069/PNC/POLFRT/CPNK/E MCOMDT/11

045|0058|06|
2011
Sit Rét AICGD

Transmis copie pour information à (aux) :

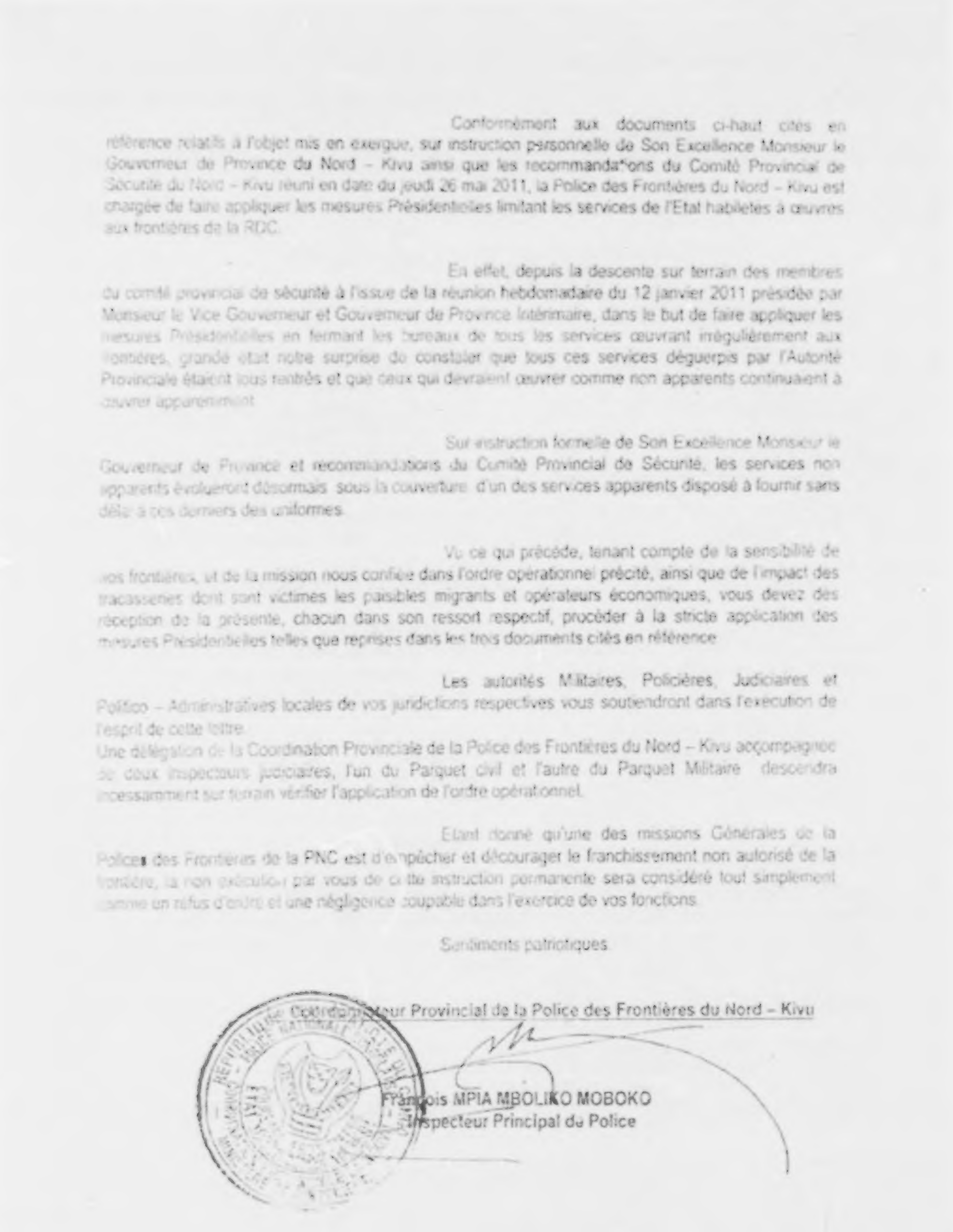
- Monsieur l'Inspecteur Général de la Police Nationale Congolaise à Kinshasa/Lingwala ;
- Son Excellence Monsieur Le Gouverneur de Province du Nord – Kivu à Goma ;
- Monsieur le Commandant de la Police des Frontières à Kinshasa/Gombe ;
- Monsieur le Ministre Provincial de l'Administration du Territoire, Affaires coutumières et Sécurité du Nord – Kivu à Goma ;
- Monsieur le Commandant de la 8e Région Militaire à Goma ;
- Monsieur l'Inspecteur Provincial de la Police Nationale Congolaise du Nord – Kivu à Goma ;
- Monsieur l'Auditeur Supérieur près la Cour Militaire du Nord – Kivu à Goma ;
- Monsieur l'Auditeur de Garnison du Beni à Beni ;
- Monsieur l'Auditeur de Garnison de Rutshuru à Rutshuru;
- Monsieur l'Auditeur de Garnison Ville de Goma à Goma
- Messieurs les Membres du Comité Provincial de Sécurité du Nord – Kivu à Goma ;
- Monsieur le Directeur de la RVA /Aéroport de Goma à Goma

Messieurs les Commandants Secteurs Police des Frontières Coordination Provinciale du Nord – Kivu (Tous)

Objet : **Application des mesures Présidentielles limitant le nombre des Services habilités à œuvrer aux frontières de la RDC.**

Références : **1. Ordre Opérationnel n° 234 du 27 décembre 2010 ;**
2. Communiqué Officiel du 28 décembre 2010 ;
3. Directives Opérationnelles n° 0001 du 23 février 2011 du Chef EMG FARDC.

Messieurs les Commandants Secteurs,



Conformément aux documents ci-haut cités en référence relatifs à l'objet mis en exergue, sur instruction personnelle de Son Excellence Monsieur le Gouverneur de Province du Nord – Kivu ainsi que les recommandations du Comité Provincial de Sécurité du Nord – Kivu réuni en date du jeudi 26 mai 2011, la Police des Frontières du Nord – Kivu est chargée de faire appliquer les mesures Présidentielles limitant les services de l'Etat habiletes à œuvres aux frontières de la RDC.

En effet, depuis la descente sur terrain des membres du comité provincial de sécurité à l'issue de la réunion hebdomadaire du 12 janvier 2011 présidée par Monsieur le Vice Gouverneur et Gouverneur de Province Intérimaire, dans le but de faire appliquer les mesures Présidentielles en fermant les bureaux de tous les services œuvrant irrégulièrement aux frontières, grande était notre surprise de constater que tous ces services déguerpis par l'Autorité Provinciale étaient tous rentrés et que ceux qui devraient œuvrer comme non apparents continuaient à œuvrer apparemment.

Sur instruction formelle de Son Excellence Monsieur le Gouverneur de Province et recommandations du Comité Provincial de Sécurité, les services non apparents évolueront désormais sous la couverture d'un des services apparents disposé à fournir sans délai à ces derniers des uniformes.

Vu ce qui précède, tenant compte de la sensibilité de nos frontières, et de la mission nous confiée dans l'ordre opérationnel précité, ainsi que de l'impact des tracasseries dont sont victimes les paisibles migrants et opérateurs économiques, vous devez dès réception de la présente, chacun dans son ressort respectif, procéder à la stricte application des mesures Présidentielles telles que reprises dans les trois documents cités en référence.

Les autorités Militaires, Policières, Judiciaires et Politico – Administratives locales de vos juridictions respectives vous soutiendront dans l'exécution de l'esprit de cette lettre.
Une délégation de la Coordination Provinciale de la Police des Frontières du Nord – Kivu accompagnée de deux inspecteurs judiciaires, l'un du Parquet civil et l'autre du Parquet Militaire descendra incessamment sur terrain vérifier l'application de l'ordre opérationnel.

Etant donné qu'une des missions Générales de la Police des Frontières de la PNC est d'empêcher et décourager le franchissement non autorisé de la frontière, la non exécution par vous de cette instruction permanente sera considéré tout simplement comme un refus d'ordre et une négligence coupable dans l'exercice de vos fonctions.

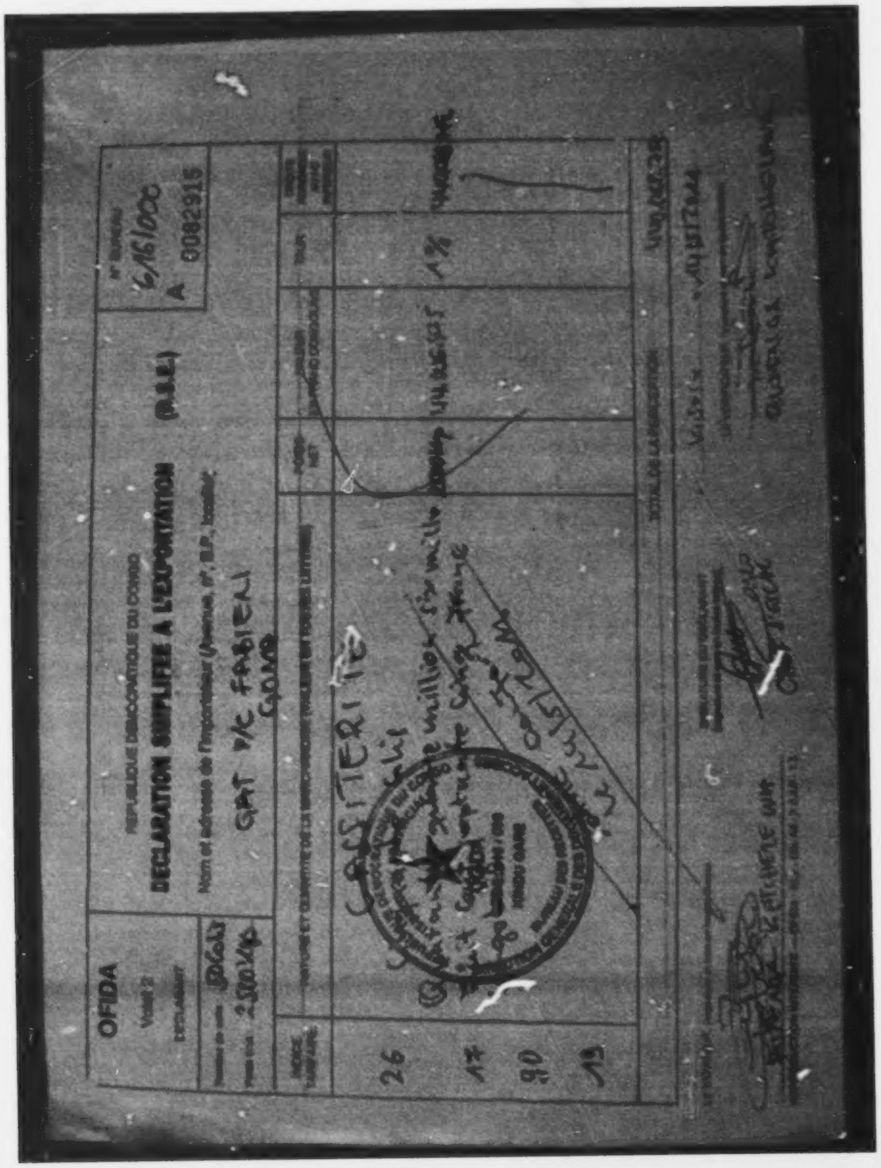
Sentiments patriotiques.

Coordonnateur Provincial de la Police des Frontières du Nord – Kivu

François MPIA MBOLIKO MOBOKO
Inspecteur Principal du Police

Annex 110

Fraudulent export document for tin ore from Maniema for trader Kasereka Fabien



OFIDA

Volet 2

DECLARANT

Nombre de colis: 30 Colis

Poids brut: 2580 Kgs

REPUBLIQUE DEMOCRATIQUE DU CONGO

DECLARATION SIMPLIFIEE A L'EXPORTATION (D.S.E.)

N° BUREAU 616/000

A 0082915

Nom et adresse de l'importateur (Avenue, n°, B.P., localité):

GAT P/C FABIEN
GOMA

INDICE TARIFAIRE	NATURE ET QUANTITE DE LA MARCHANDISE (VALEUR EN TOUTES LETTRES)	POIDS NET	VALEUR EN FRANC CONGOLAIS	TAUX	[illegible]
26 17 90 19	CASSITERITE [illegible] colis [illegible] million six mille [illegible] [illegible] cinq [illegible]	[illegible]	[illegible]	1%	[illegible]

KINDU GARE

TOTAL DE LA PERCEPTION [illegible]

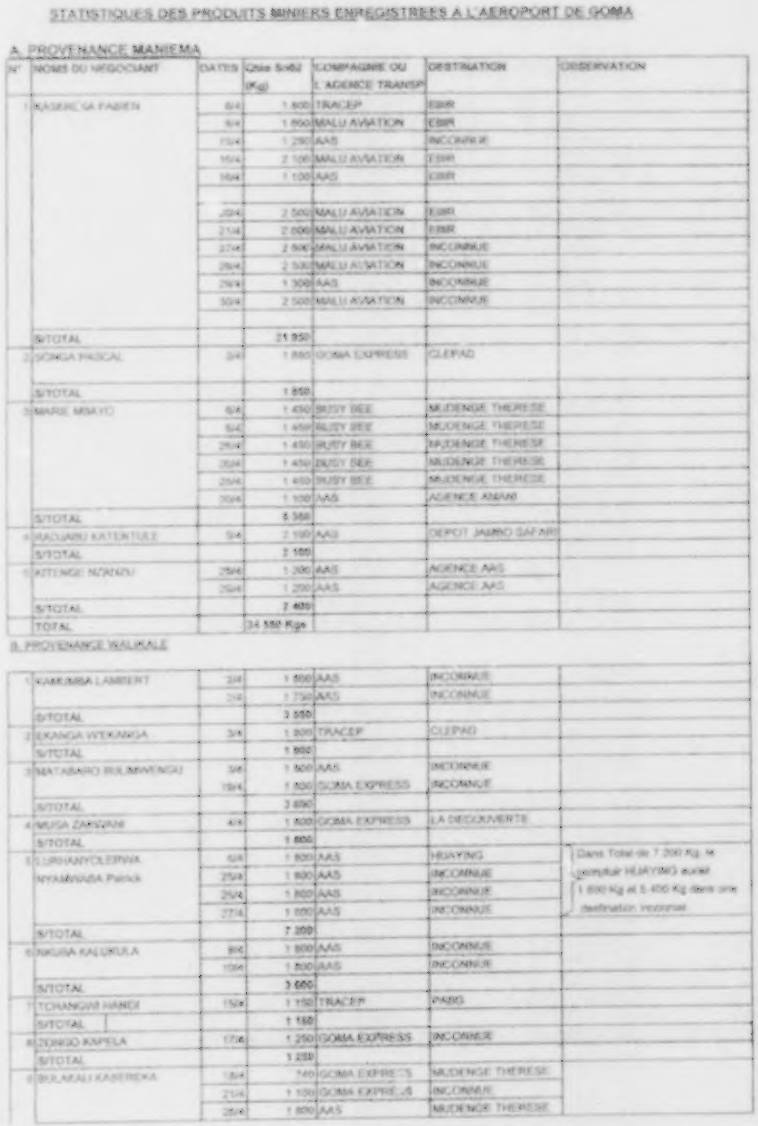
[illegible] le 14/5/2011

SIGNATURE DU DECLARANT

KATCHELE [illegible]

Annex 111

Sample of statistics from the Division of Mines for May showing that Kasereka Fabien sells to *comptoir* EBIR



STATISTIQUES DES PRODUITS MINIERS ENREGISTREES A L'AEROPORT DE GOMA

A. PROVENANCE MANIEMA

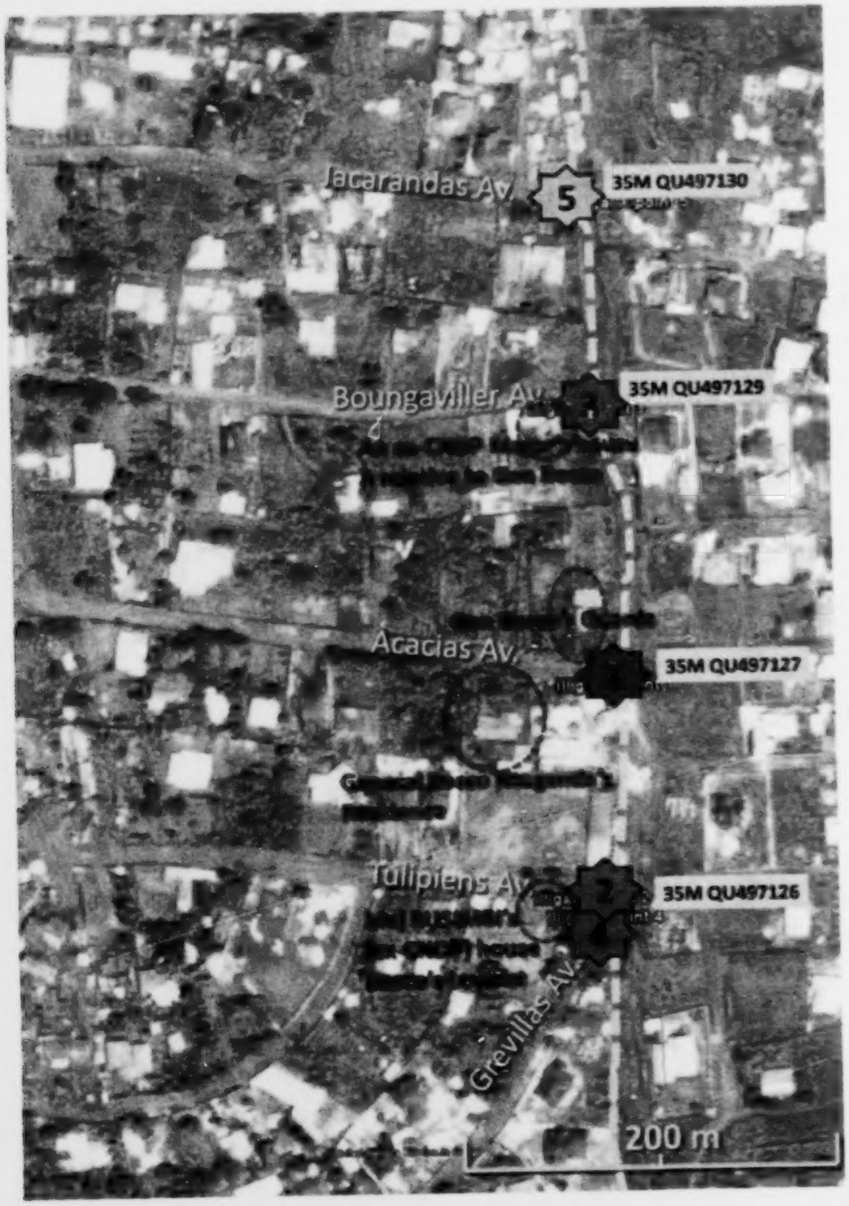
N°	NOMS DU NEGOCIANT	DATES	Qtés SnO2 (Kg)	COMPAGNIE OU L'AGENCE TRANSP	DESTINATION	OBSERVATION
1	KASEREKA FABIEN	6/4	1 800	TRACEP	EBIR	
		8/4	1 850	MALU AVIATION	EBIR	
		15/4	1 290	AAS	INCONNUE	
		16/4	2 100	MALU AVIATION	EBIR	
		18/4	1 100	AAS	EBIR	
		20/4	2 500	MALU AVIATION	EBIR	
		21/4	2 600	MALU AVIATION	EBIR	
		27/4	2 500	MALU AVIATION	INCONNUE	
		28/4	2 530	MALU AVIATION	INCONNUE	
		29/4	1 300	AAS	INCONNUE	
		30/4	2 500	MALU AVIATION	INCONNUE	
	S/TOTAL		21 950			
2	SONGA PASCAL	3/4	1 850	GOMA EXPRESS	CLEPAD	
	S/TOTAL		1 850			
3	MARIE MBAYO	6/4	1 450	BUSY BEE	MUDENGE THERESE	
		8/4	1 450	BUSY BEE	MUDENGE THERESE	
		25/4	1 450	BUSY BEE	MUDENGE THERESE	
		26/4	1 450	BUSY BEE	MUDENGE THERESE	
		29/4	1 450	BUSY BEE	MUDENGE THERESE	
		30/4	1 100	AAS	AGENCE ANANI	
	S/TOTAL		8 350			
4	RADJABU KATENTULE	5/4	2 100	AAS	DEPOT JAMBO SAFARI	
	S/TOTAL		2 100			
5	KITENGE NZANZU	25/4	1 200	AAS	AGENCE AAS	
		29/4	1 200	AAS	AGENCE AAS	
	S/TOTAL		2 400			
	TOTAL		34 550 Kgs			

B. PROVENANCE WALIKALE

N°	NOMS DU NEGOCIANT	DATES	Qtés SnO2 (Kg)	COMPAGNIE OU L'AGENCE TRANSP	DESTINATION	OBSERVATION
1	KAKUMBA LAMBERT	3/4	1 800	AAS	INCONNUE	
		3/4	1 750	AAS	INCONNUE	
	S/TOTAL		3 550			
2	EKANGA WEKANGA	3/4	1 800	TRACEP	CLEPAD	
	S/TOTAL		1 800			
3	MATABARO BULIMWENGU	3/4	1 800	AAS	INCONNUE	
		19/4	1 800	GOMA EXPRESS	INCONNUE	
	S/TOTAL		3 600			
4	MUSA ZAKWANI	4/4	1 800	GOMA EXPRESS	LA DECOUVERTE	
	S/TOTAL		1 800			
5	LURHANYOLERWA NYAMWASA Patrick	6/4	1 800	AAS	HUAYING	Dans Total de 7 200 Kg, le comptoir HUAYING aurait 1 800 Kg et 5 400 Kg dans une destination inconnue
		25/4	1 800	AAS	INCONNUE	
		25/4	1 800	AAS	INCONNUE	
		27/4	1 800	AAS	INCONNUE	
	S/TOTAL		7 200			
6	NKUBA KALUKULA	8/4	1 800	AAS	INCONNUE	
		10/4	1 800	AAS	INCONNUE	
	S/TOTAL		3 600			
7	TCHANGWI HAMDI	15/4	1 150	TRACEP	PARIS	
	S/TOTAL		1 150			
8	ZONGO KAPELA	17/4	1 250	GOMA EXPRESS	INCONNUE	
	S/TOTAL		1 250			
9	BULAKALI KASEREKA	18/4	740	GOMA EXPRESS	MUDENGE THERESE	
		21/4	1 100	GOMA EXPRESS	INCONNUE	
		25/4	1 800	AAS	MUDENGE THERESE	

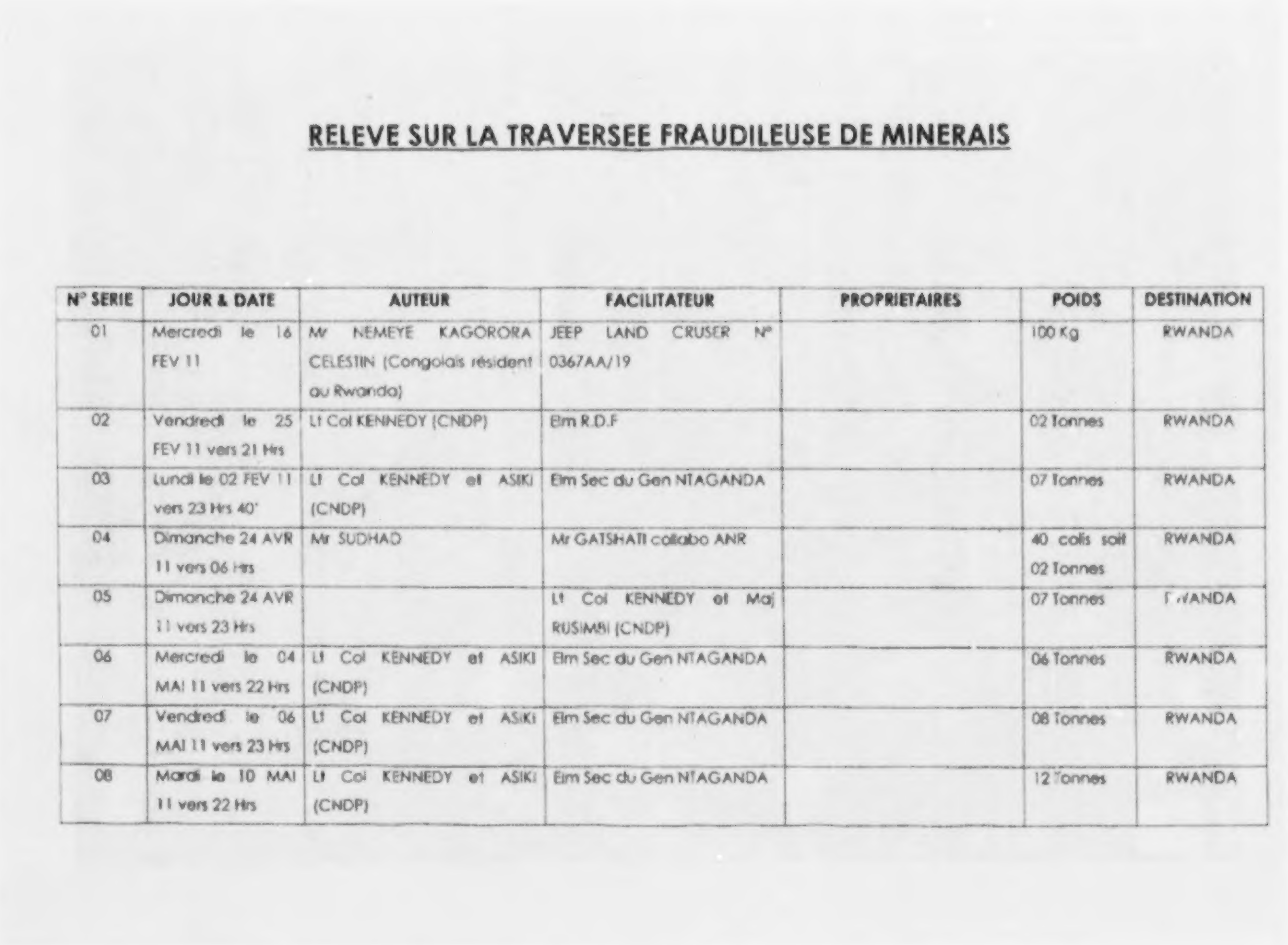
Annex 112

Aerial photograph of the illegal border crossings between Goma and Gisenyi, Rwanda, secured by General Ntaganda's soldiers



Annex 113

Document relating to the border crossing in Goma controlled by Ntaganda's soldiers



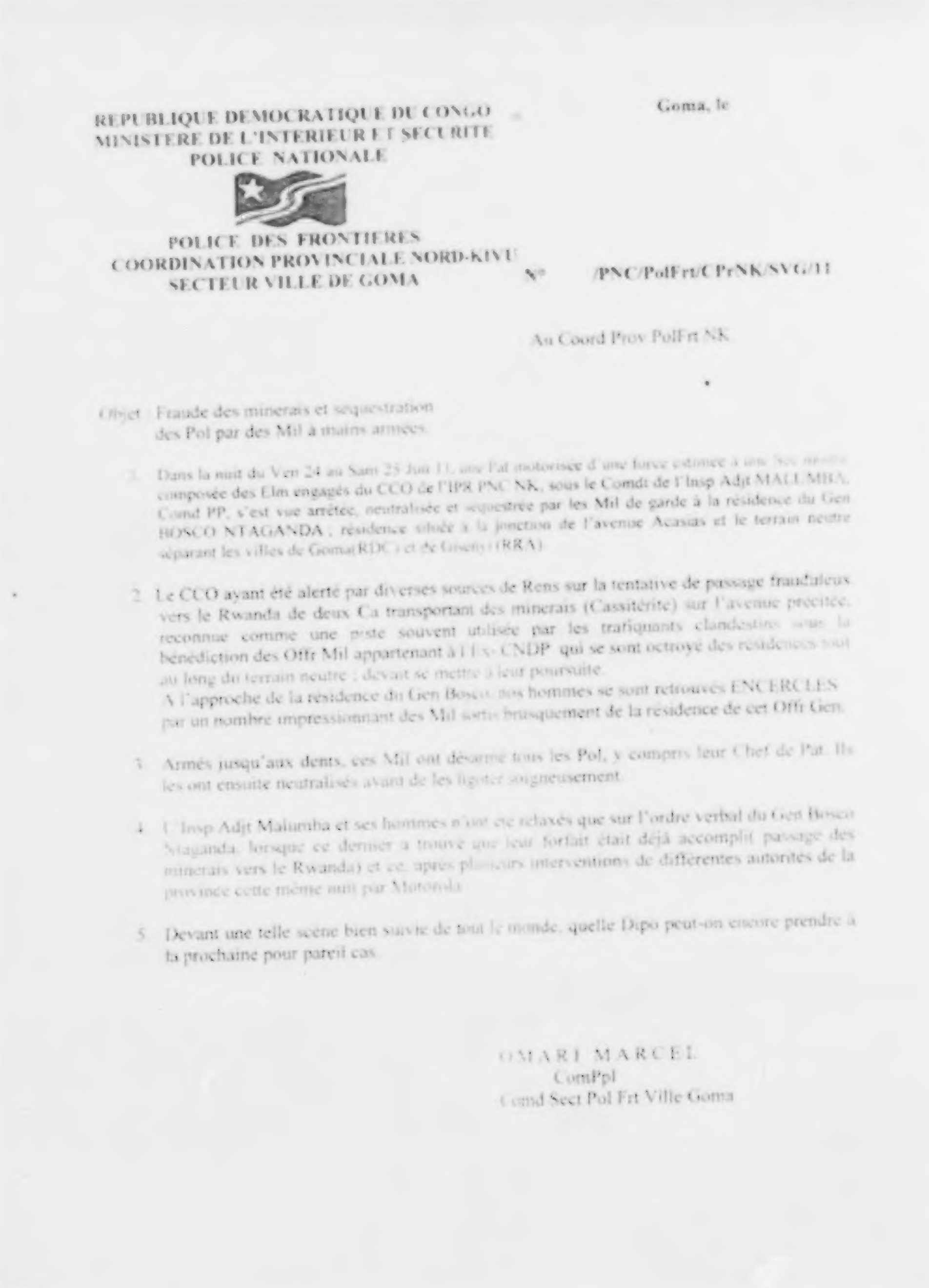
RELEVE SUR LA TRAVERSEE FRAUDILEUSE DE MINERAIS

N° SERIE	JOUR & DATE	AUTEUR	FACILITATEUR	PROPRIETAIRES	POIDS	DESTINATION
01	Mercredi le 16 FEV 11	Mr NEMEYE KAGORORA CELESTIN (Congolais résident au Rwanda)	JEEP LAND CRUSER N° 0367AA/19		100 Kg	RWANDA
02	Vendredi le 25 FEV 11 vers 21 Hrs	Lt Col KENNEDY (CNDP)	Elm R.D.F		02 Tonnes	RWANDA
03	Lundi le 02 FEV 11 vers 23 Hrs 40'	Lt Col KENNEDY et ASIKI (CNDP)	Elm Sec du Gen NTAGANDA		07 Tonnes	RWANDA
04	Dimanche 24 AVR 11 vers 06 Hrs	Mr SUDHAD	Mr GATSHATI collabo ANR		40 colis soit 02 Tonnes	RWANDA
05	Dimanche 24 AVR 11 vers 23 Hrs		Lt Col KENNEDY et Maj RUSIMBI (CNDP)		07 Tonnes	RWANDA
06	Mercredi le 04 MAI 11 vers 22 Hrs	Lt Col KENNEDY et ASIKI (CNDP)	Elm Sec du Gen NTAGANDA		06 Tonnes	RWANDA
07	Vendredi le 06 MAI 11 vers 23 Hrs	Lt Col KENNEDY et ASIKI (CNDP)	Elm Sec du Gen NTAGANDA		08 Tonnes	RWANDA
08	Mardi le 10 MAI 11 vers 22 Hrs	Lt Col KENNEDY et ASIKI (CNDP)	Elm Sec du Gen NTAGANDA		12 Tonnes	RWANDA

09	Dimanche le 29 MAI 11 vers 22 Hrs 45'	Capt GERE Chef PL BN PM	Escort Gen NTAGANDA		16 Tonnes	RWANDA
10	Dimanche le 29 MAI 11 vers 23 Hrs	Mr KAMWANYA alias BORAUZIMA	Adj MAKAMBO et Adj MBUYI tous Elm GMI		3.5 Tonnes	RWANDA
11	Lundi le 30 MAI 11 vers 20 Hrs 30'	Mr KAMWANYA alias BORAUZIMA	02 Elm PNC et 02 BN PM		07 Tonnes	RWANDA

Annex 114

Document describing the arrest of a police officer by Ntaganda's private escorts in order to facilitate smuggling



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE L'INTERIEUR ET SECURITE
POLICE NATIONALE

Goma, le

POLICE DES FRONTIERES
COORDINATION PROVINCIALE NORD-KIVU
SECTEUR VILLE DE GOMA

N° /PNC/PolFrt/CPrNK/SVG/11

Au Coord Prov PolFrt NK

Objet : Fraude des minerais et séquestration
des Pol par des Mil à mains armées.

1. Dans la nuit du Ven 24 au Sam 25 Jun 11, une Pat motorisée d'une force estimée à une Sec mixte composée des Elm engagés du CCO de l'IPR PNC NK, sous le Comdt de l'Insp Adjt MALUMBA, Comd PP, s'est vue arrêtée, neutralisée et séquestrée par les Mil de garde à la résidence du Gen BOSCO NTAGANDA ; résidence située à la jonction de l'avenue Acasias et le terrain neutre séparant les villes de Goma(RDC) et de Gisenyi (RRA).

2. Le CCO ayant été alerté par diverses sources de Rens sur la tentative de passage frauduleux vers le Rwanda de deux Ca transportant des minerais (Cassitérite) sur l'avenue précitée, reconnue comme une piste souvent utilisée par les trafiquants clandestins sous la bénédiction des Offr Mil appartenant à l'Ex- CNDP qui se sont octroyé des résidences tout au long du terrain neutre ; devait se mettre à leur poursuite.
A l'approche de la résidence du Gen Bosco, nos hommes se sont retrouvés ENCERCLES par un nombre impressionnant des Mil sortis brusquement de la résidence de cet Offr Gen.

3. Armés jusqu'aux dents, ces Mil ont désarmé tous les Pol, y compris leur Chef de Pat. Ils les ont ensuite neutralisés avant de les ligoter soigneusement.

4. L'Insp Adjt Malumba et ses hommes n'ont été relaxés que sur l'ordre verbal du Gen Bosco Ntaganda, lorsque ce dernier a trouvé que leur forfait était déjà accompli(passage des minerais vers le Rwanda) et ce, après plusieurs interventions de différentes autorités de la province cette même nuit par Motorola.

5. Devant une telle scène bien suivie de tout le monde, quelle Dipo peut-on encore prendre à la prochaine pour pareil cas.

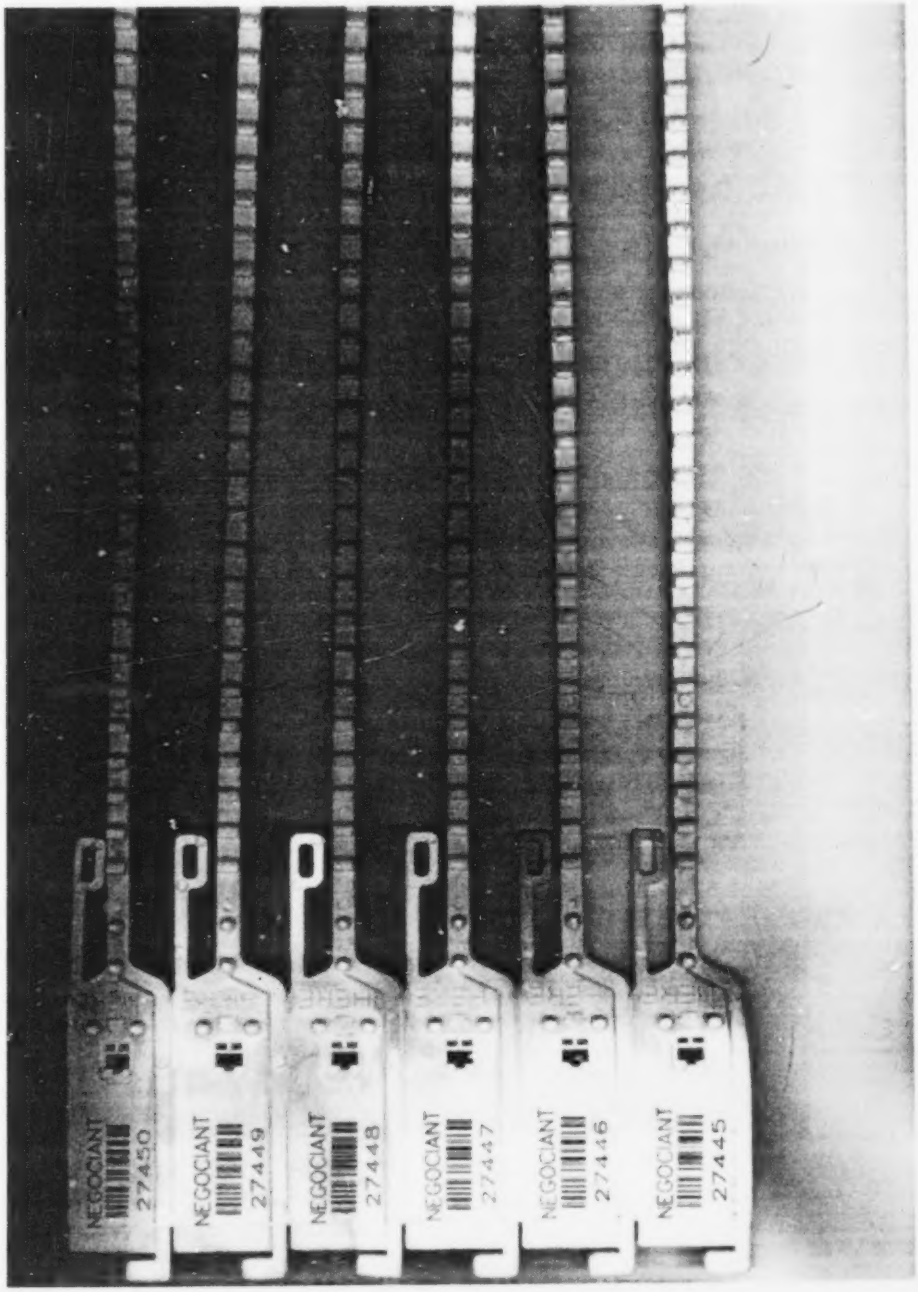
OMARI MARCEL
ComPpl
Comd Sect Pol Frt Ville Goma

Annex 115

Photographs of the border crossing in Goma controlled by Ntaganda's soldiers, showing the end of Ntaganda's street and the tent where some of the soldiers are based

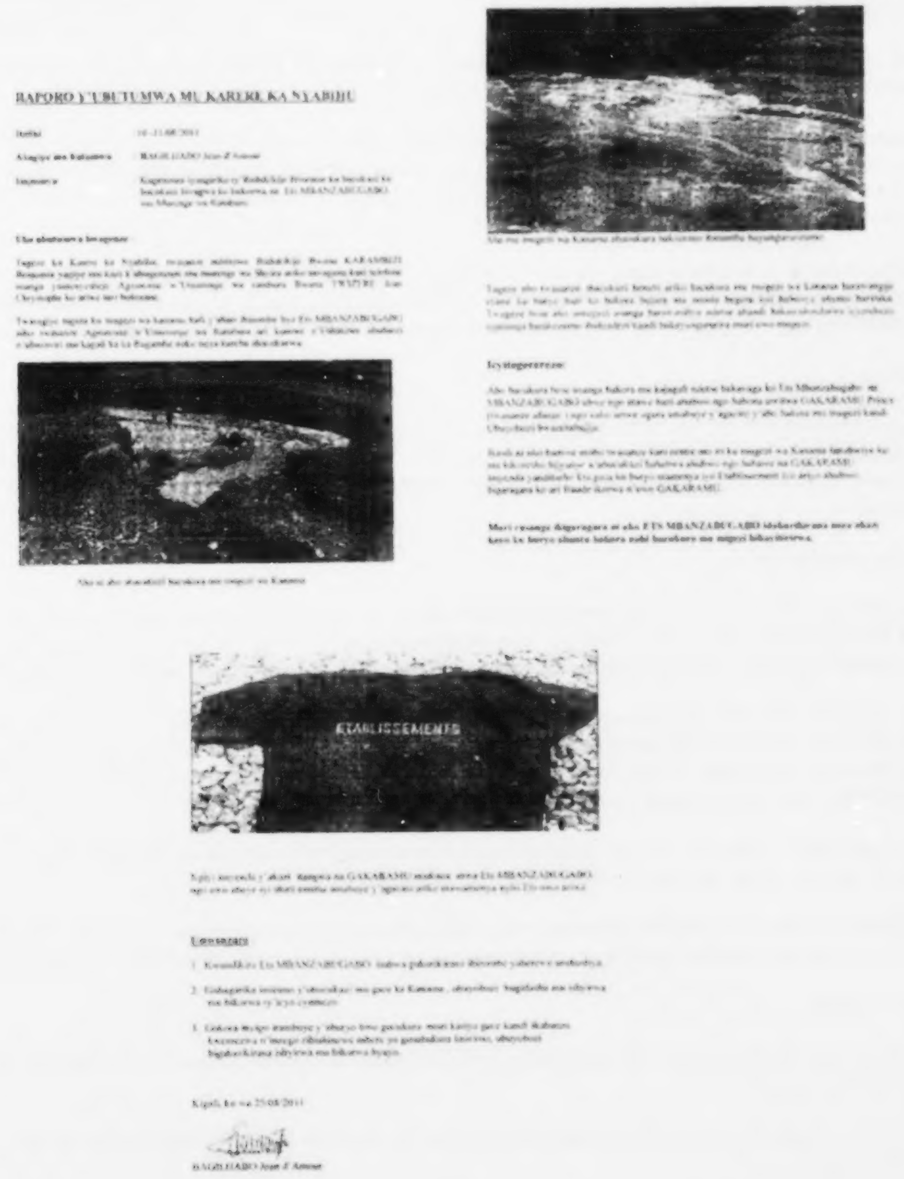
Annex 116

Sample of cancelled Tin Supply Chain Initiative tags from Nyabibwe used by *comptoir* Huaying to tag minerals on export through Rwanda



Annex 117

Report by Rwandan mining authorities concerning the mining concession of Etablissement Mbanzabugabo, which was closed because of environmental damage and mismanagement



RAPORO Y'UBUTUMWA MU KARERE KA NYABIHU

Kigali, ku wa 25/08/2011

French translation:

RAPPORT DE MISSION TENUE AUX ENVIRONS DE NYABIHU.

Date: 10-11aout 2011

Participant: bagilijabo jean d'amour

Objectif: enquêter sur les origines de l'impact environnementale de l'exploitation minière qui soit disant est fait par les établissements MBANZABUGABO dans le secteur RAMBURA.

Déroulement de la mission: a notre arrivé aux environs de Nyabihu, nous avons rencontré que le responsable de l'environnement monsieur Karambizi Benjamin était en mission de travail dans le secteur Shyira, nous avons échangé avec lui au téléphone, il nous a dit qu'il avait déjà préparé l'agronome du secteur Rambura monsieur TWIZERE jean Chrystophe pour que nous travaillons ensemble.

Nous sommes partie directement auprès de la rivière aux environs ou il y a les établissements MBANZABUGABO, c'est là, que nous avons rencontré l'Agronome du secteur Rambura qui était avec le responsable de l'agriculture et de l'élevage dans la commune rugamba, nous sommes parties directement à l'endroit ou l'on fait l'exploitation miniere.

« La photo »

Quand nous sommes arrivés, nous avons rencontrés beaucoup de creuseurs qui exploitent dans une canalisation très polluée depuis longtemps a kanama, qu'il y a personne qui se rapproche d'eux, quand ils nous ont vu, ils prirent la fuite, nous sommes passés partout ou passe cette canalisation, mais nous avons trouvé beaucoup de flaques d'eaux, les eaux était désorientées.

Pensée: « Icyitegererezo »

Tous ces creuseurs travaillent dans un désordre et disent qu'ils ne connaissent pas les établissements Mbanzabugabo et monsieur Mbanzabugabo, qu'ils ne voient que monsieur Gakaramu Prince qui était en prison lors de notre arrivé et que celui qui achète la matière précieuses qu'ils exploitent dans la canalisation alors que les autorités l'ont défendue.

En outre, quelques creuseurs que nous avons rencontrés au petit centre se trouvant vers la canalisation de kanama, nous ont dis qu'ils n'ont même pas des outils pour faire l'exploitation dans laquelle on les impliquent, qu'ils n'ont reçu que de la part de Monsieur Gakaramu prince que quelques habits ou il etait seulement écrit : « Etablissement » cela prouve qu'il existe une fraude faite par Monsieur Gakaramu.

Dans ce même cadre, il est avéré que les établissements Mbanzabugabo ne fonctionne pas selon les normes et la mission lui confiée et que les creuseurs travaillent dans des mauvaises conditions.

Voici les habits donnés par monsieur Gakaramu aux établissements Mbanzabugabo pour dire que celui qui reçoit cet habit doit d'office lui amené la matière précieuse, mais personne ne sait qui est le vrai responsable de cet établissement.

Recommandations:

1. Ecrire aux établissements Mbanzabugabo pour les dire qu'ils doivent poursuivre les objectifs qui leurs ont été confiés,
2. Arrêter l'exploitation dans le site de kanama et que les autorités facilitent dans la mise en application de cette décision,

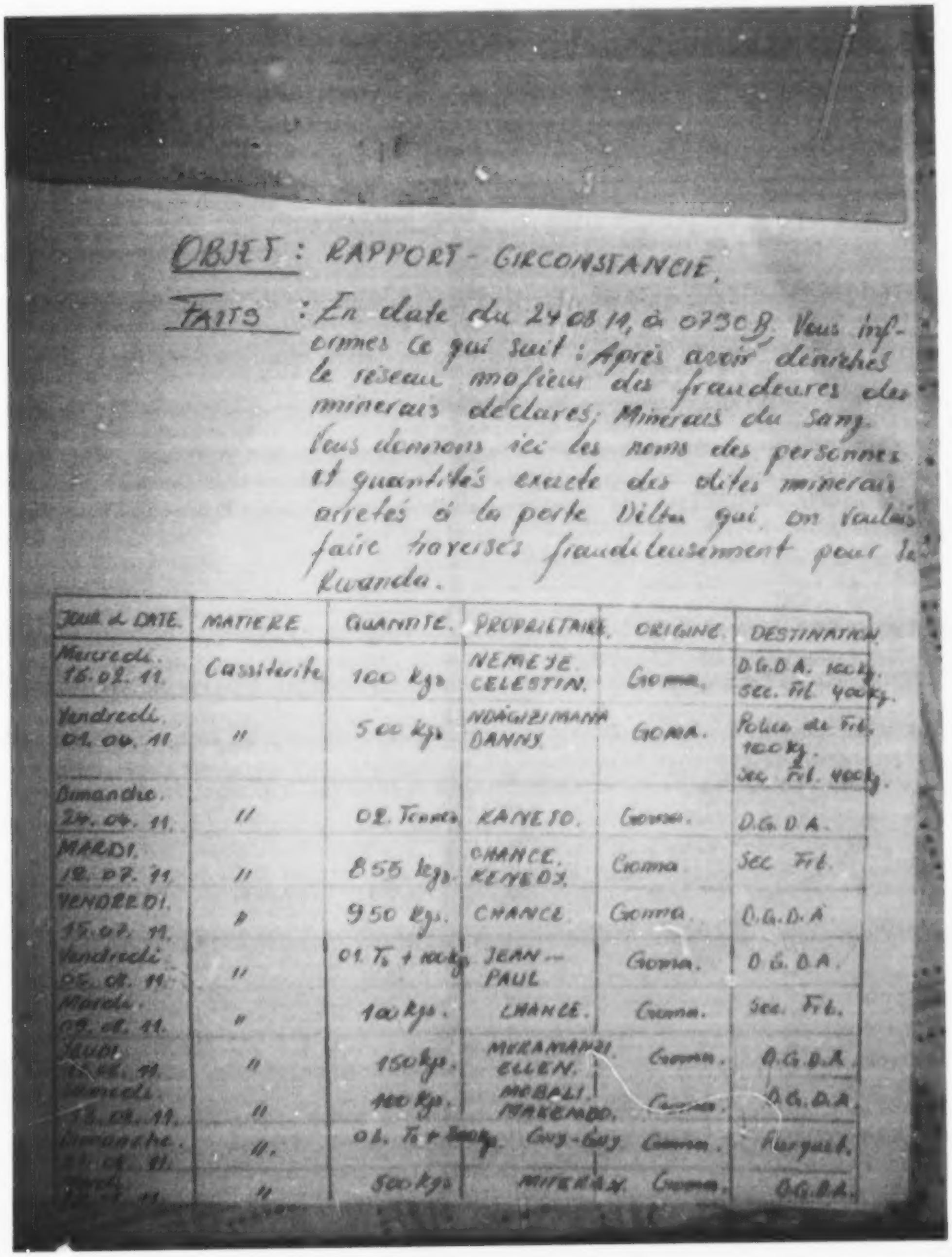
3. Mettre en place un model convaincant dans l'exploitation dans ce contré, que cela soit accepté par les autorités compétentes avant tout autre débit des activités et que les responsables mettent en application cette la décision qui se trouve dans leurs attributions.

Fait à Kigali le 25/08/2011

Par Bagilijabo jean d'amour

Annex 118

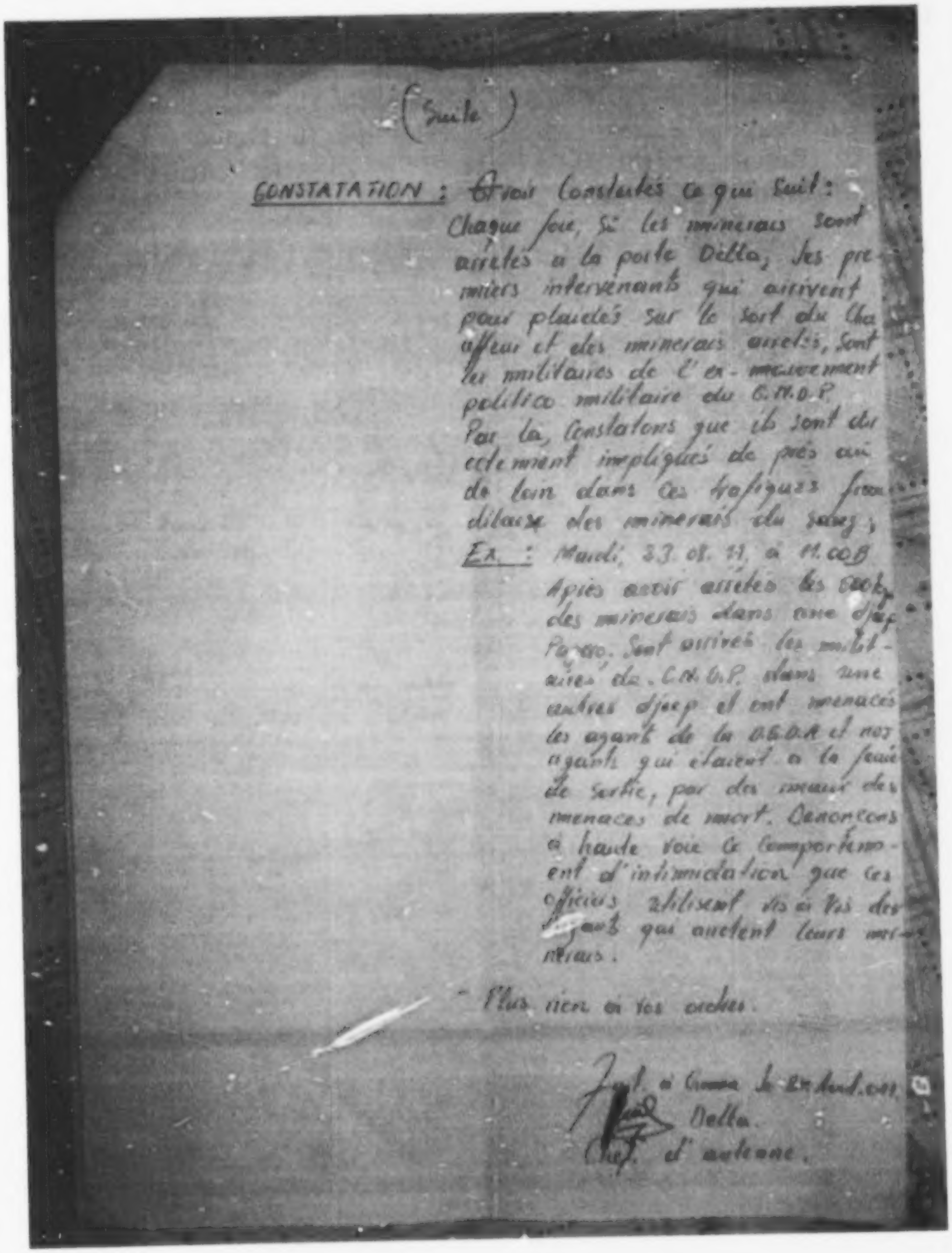
Report on seizures by authorities of the Democratic Republic of the Congo in Goma, denouncing military intervention by ex-CNDP FARDC soldiers



OBJET : RAPPORT - CIRCONSTANCIE.

FAITS : En date du 24 08 11, à 0730 B. Vous informes ce qui suit : Après avoir dénichés le réseau mafieux des fraudeures des minerais déclarés; Minerais du Sang. Vous donnons ici les noms des personnes et quantités exacte des dites minerais arretés à la porte Vilta qui on voulais faire traversés frauduleusement pour le Rwanda.

JOUR & DATE.	MATIERE	QUANTITE.	PROPRIETAIRE.	ORIGINE.	DESTINATION.
Mercredi. 16.02.11.	Cassiterite	100 kgs	NEMEYE. CELESTIN.	Goma.	D.G.D.A. 100kg. Sec. Fil. 400kg.
Vendredi. 01.04.11	"	500 kgs	NDAGIZIMANA DANNY	GOMA.	Police de Fil. 100kg. Sec. Fil. 400kg.
Dimanche. 24.04.11.	"	02. Tonnes	KANEYO.	Goma.	D.G.D.A.
MARDI. 12.07.11.	"	855 kgs.	CHANCE. KENEDY.	Goma	Sec Fil.
VENDREDI. 15.07.11.	"	950 kgs.	CHANCE	Goma.	D.G.D.A
Vendredi 05.08.11.	"	01. T + 100kg	JEAN-PAUL	Goma.	D.G.D.A.
Mardi. 09.08.11.	"	100 kgs.	CHANCE.	Goma.	Sec. Fil.
JEUDI. [illegible].08.11.	"	150kgs.	MUKAMANZI. ELLEN.	Goma.	D.G.D.A.
Mercredi. [illegible].08.11.	"	100 kgs.	MUBALI. MAKEMBO.	Goma.	D.G.D.A.
Dimanche. [illegible].08.11.	".	02. T + 300kg	Guy-Guy	Goma.	Parquet.
[illegible] 11	"	500kgs	MITERAN.	Goma.	D.G.D.A.



(Suite)

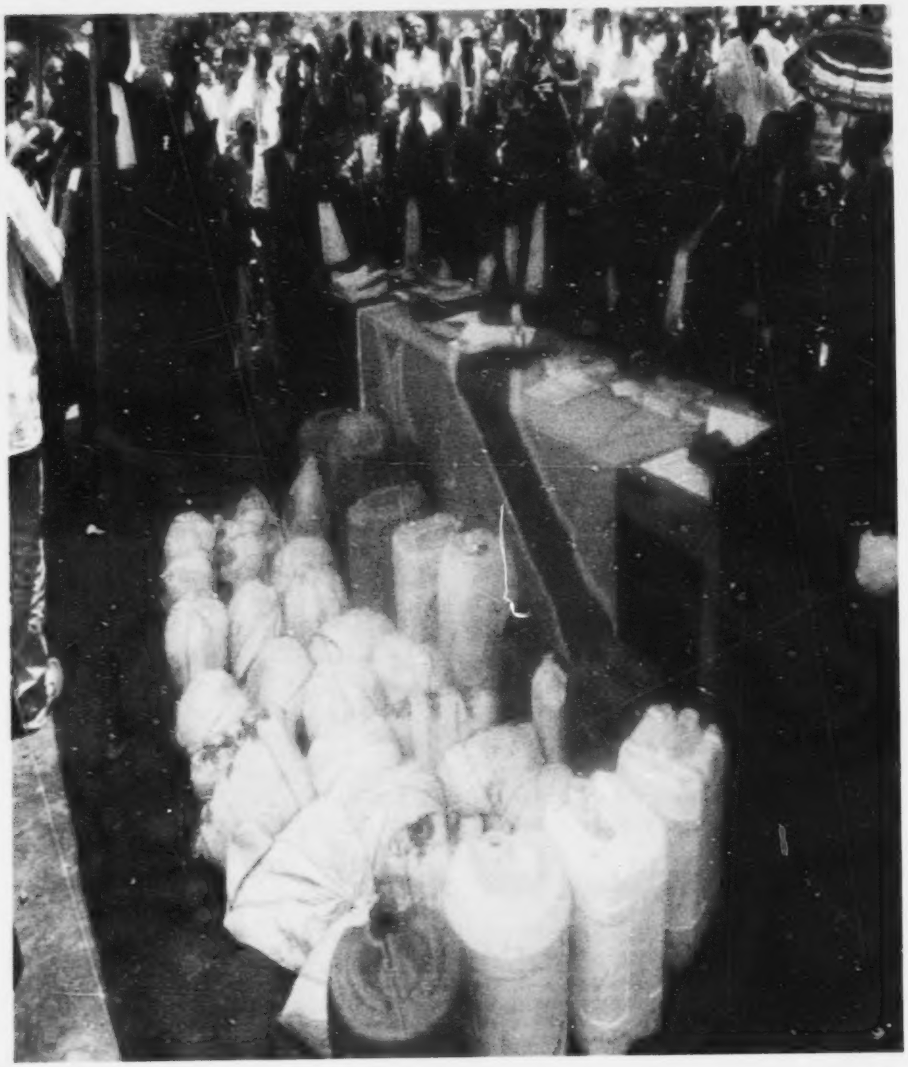
CONSTATATION : Avoir constatés ce qui suit:
Chaque fois, si les minerais sont arrêtés à la porte Delta, les premiers intervenants qui arrivent pour plaidés sur le sort du chauffeur et des minerais arrêtés, sont les militaires de l'ex-mouvement politico militaire du C.N.D.P.
Par là, constatons que ils sont directement impliqués de près ou de loin dans ces trafiques frauduleux des minerais du pays;
Ex. : Mardi, 23.08.11, à 11.00'
Après avoir arrêtés les 600kg des minerais dans une djeep Pazero. Sont arrivés les militaires de C.N.D.P. dans une autres djeep et ont menacés les agents de la D.G.D.A et nos agents qui étaient à la fouie de sortie, par des moeurs des menaces de mort. Denonçons à haute voie le comportement d'intimidation que ces officiers utilisent vis à vis des agents qui arrêtent leurs minerais.

- Plus rien à vos ordres.

Fait à Goma le 24 Août.011
Delta.
Chef. d'antenne.

Annex 119

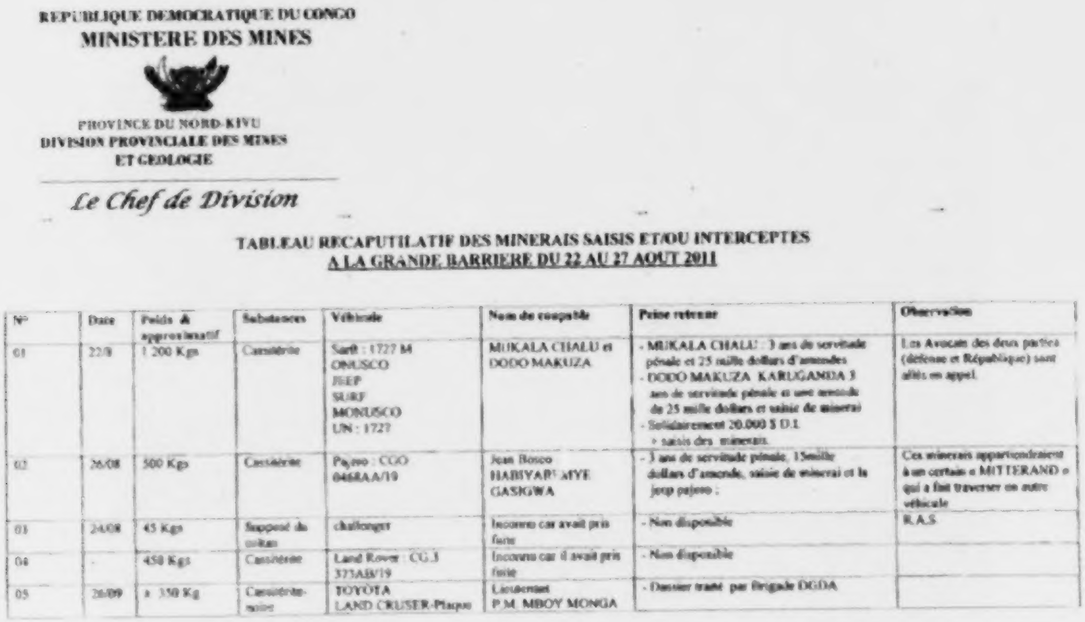
Photographs of the public trial in Goma following seizure of tin ore transported in a vehicle of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, and of tin ore sacks bearing the name "India One"



INDIA

Annex 120

Provisional list of seizures at the *Grande barrière* in Goma, showing "Mitterand" as the owner of the minerals smuggled



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DES MINES

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE DES MINES
ET GEOLOGIE

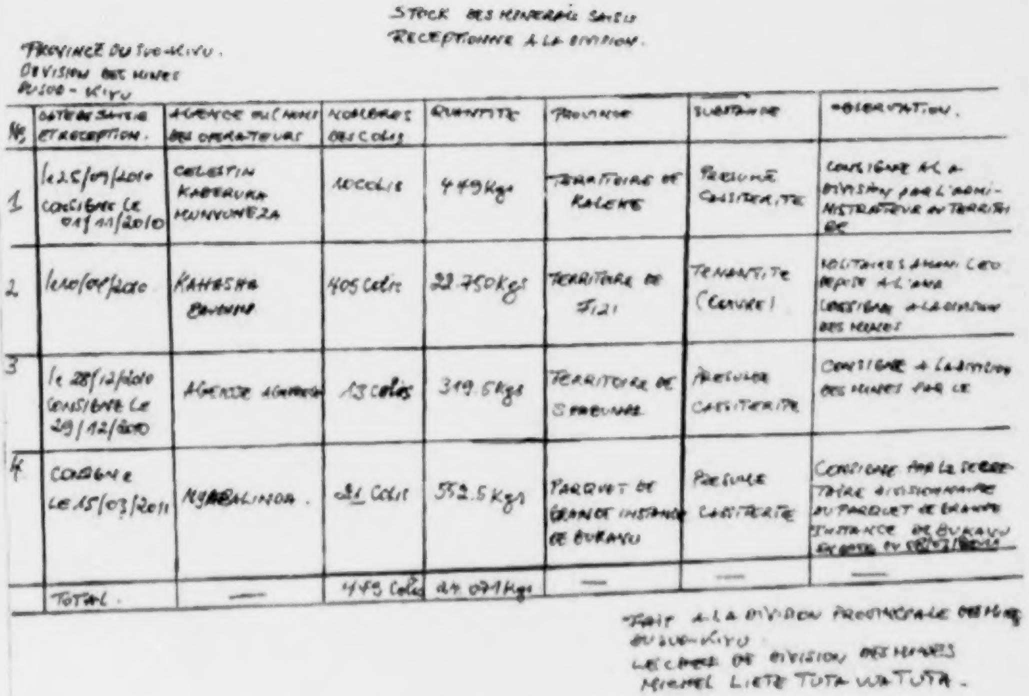
Le Chef de Division

TABLEAU RECAPUTILATIF DES MINERAIS SAISIS ET/OU INTERCEPTES
A LA GRANDE BARRIERE DU 22 AU 27 AOUT 2011

N°	Date	Poids & approximatif	Substances	Véhicule	Nom du coupable	Peine retenue	Observation
01	22/8	1 200 Kgs	Cassitérite	Sarft : 1727 M ONUSCO JEEP SURF MONUSCO UN : 1727	MUKALA CHALU et DODO MAKUZA	- MUKALA CHALU : 3 ans de servitude pénale et 25 mille dollars d'amendes - DODO MAKUZA KARUGANDA 3 ans de servitude pénale et une amende de 25 mille dollars et saisie de minerai - Solidairement 20.000 $ D.I. + saisis des minerais.	Les Avocats des deux parties (défense et République) sont allés en appel.
02	26/08	500 Kgs	Cassitérite	Pajero : CGO 0468AA/19	Jean Bosco HABIYAREMYE GASIGWA	- 3 ans de servitude pénale, 15mille dollars d'amende, saisie de minerai et la jeep pajero ;	Ces minerais appartiendraient à un certain « MITTERAND » qui a fait traverser un autre véhicule
03	24/08	45 Kgs	Supposé du coltan	challenger	Inconnu car avait pris fuite	- Non disponible	R.A.S
04	-	450 Kgs	Cassitérite	Land Rover : CG.3 373AB/19	Inconnu car il avait pris fuite	- Non disponible	
05	26/09	± 350 Kg	Cassitérite-noire	TOYOTA LAND CRUSER-Plaque	Lieutenant P.M. MBOY MONGA	- Dossier traité par Brigade DGDA	

Annex 121

List of mineral seizures in South Kivu during the mining suspension, including the seizure of an illegal copper shipment in April 2010



PROVINCE DU SUD-KIVU.
DIVISION DES MINES
DU SUD - KIVU

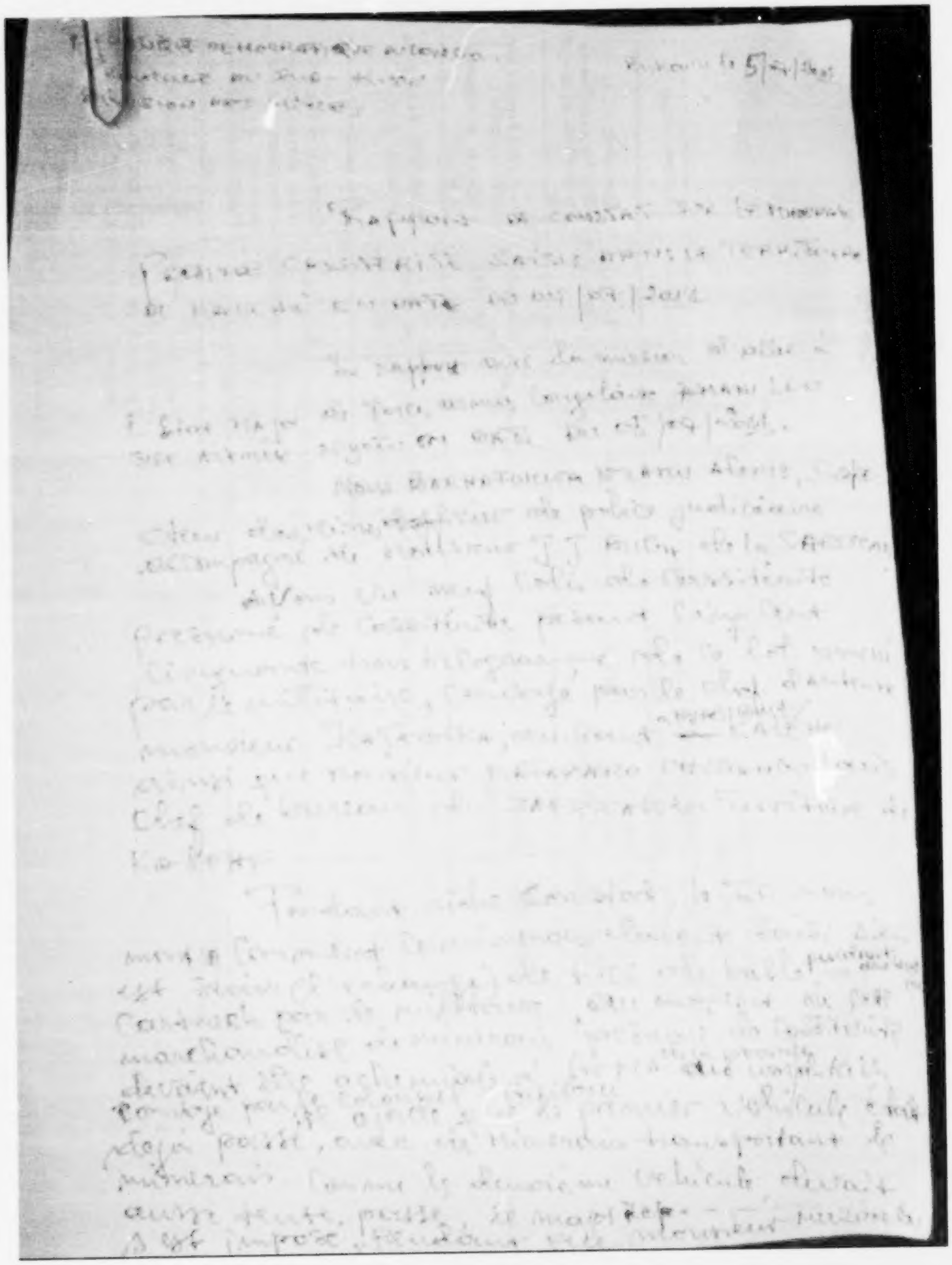
STOCK DES MINERAIS SAISIS
RECEPTIONNE A LA DIVISION.

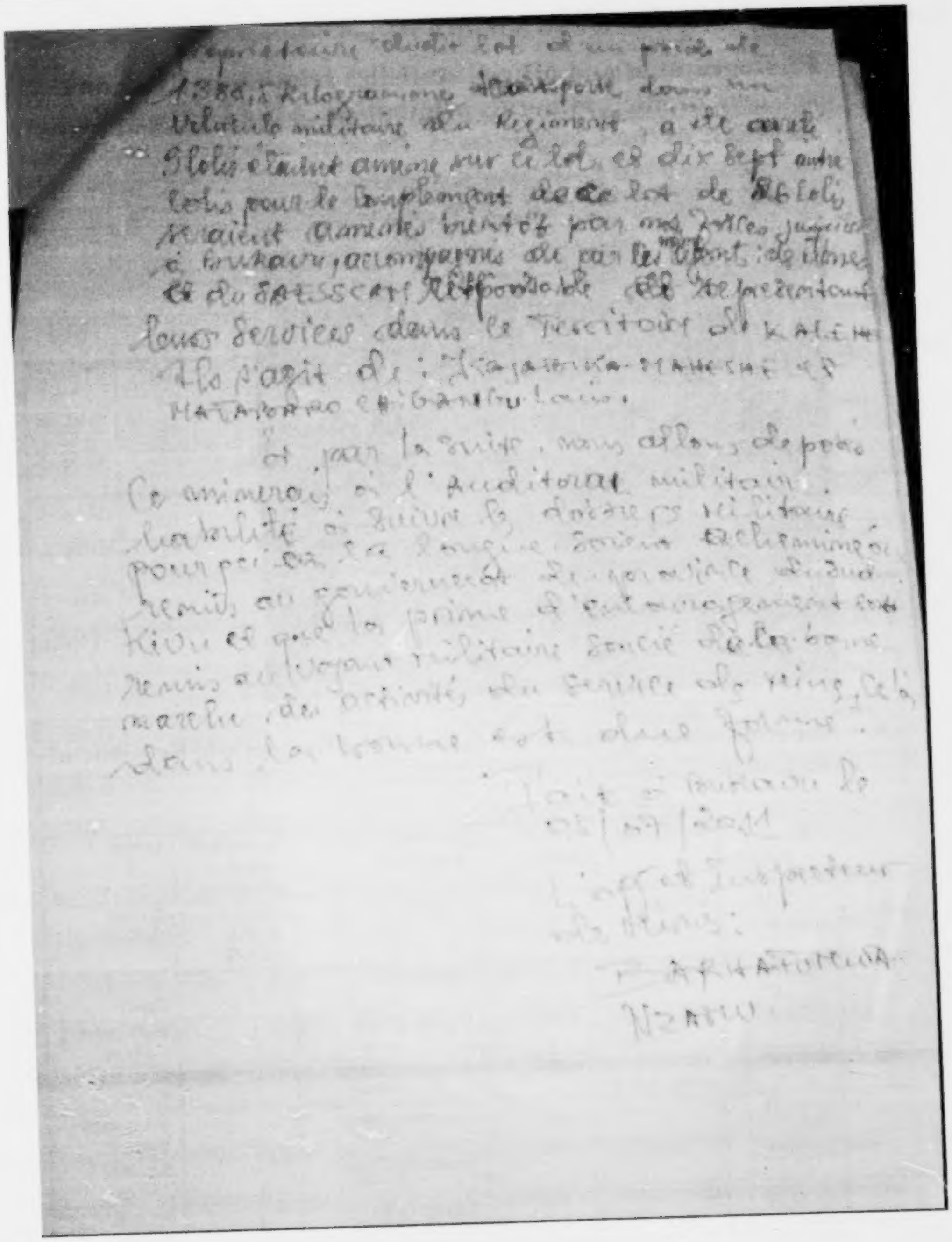
Nº	DATE DE SAISIE ET RECEPTION.	AGENCE OU (NOM) DES OPERATEURS	NOMBRES DES COLIS	QUANTITE	PROVENANCE	SUBSTANCE	OBSERVATION.
1	le 25/07/2010 CONSIGNE LE 01/11/2010	CELESTIN KABERUKA MUNYONEZA	10 COLIS	449 Kgs	TERRITOIRE DE KALEHE	PRESUME CASSITERITE	CONSIGNE A LA DIVISION PAR L'ADMINISTRATEUR DU TERRITOIRE
2	le 10/04/2010	KAHESHA [illegible]	405 colis	22.750 Kgs	TERRITOIRE DE FIZI	TENNANTITE (CUIVRE)	[illegible] DEPOSE A L'ANR CONSIGNE A LA DIVISION DES MINES
3	le 28/12/2010 CONSIGNE LE 29/12/2010	AGENCE [illegible]	13 colis	319.5 Kgs	TERRITOIRE DE SHABUNDA	PRESUMEE CASSITERITE	CONSIGNE A LA DIVISION DES MINES PAR LE
4	CONSIGNE LE 15/03/2011	NYABALINDA.	21 Colis	552.5 Kgs	PARQUET DE GRANDE INSTANCE DE BUKAVU	PRESUMEE CASSITERITE	CONSIGNE PAR LE SECRETAIRE DIVISIONNAIRE DU PARQUET DE GRANDE INSTANCE DE BUKAVU [illegible]
	TOTAL.	—	449 Colis	24.071 Kgs	—	—	—

FAIT A LA DIVISION PROVINCIALE DES MINES
DU SUD-KIVU.
LE CHEF DE DIVISION DES MINES
MICHEL LIETE TUTA WATUTA.

Annex 122

Observation report from mining authorities in South Kivu concerning a mineral seizure and demonstrating the involvement of Colonel Gwigwi in fraudulent trade





[illegible] dudit lot et un poids de 1386,5 Kilogrammes transporté dans un véhicule militaire du Régiment, a été arrêté. 9 colis étaient amené sur ce lot, et dix sept autre colis pour le complément de ce lot de 26 colis seraient amenés bientôt par nos forces jusqu'à à Bukavu, accompagnés de par les agent des mines et du SAESSCAM responsable des représentant leurs services dans le territoire de KALEHE. Il s'agit de : [illegible] MAHESHE et MATABARO CHIGANGU [illegible].

Et par la suite, nous allons déposer ces minerais à l'Auditorat militaire habilité à suivre les dossiers militaires pour [illegible] déterminée [illegible] remis au gouvernement [illegible] Kivu et que la prime d'encouragement soit remis au [illegible] militaire soucié de la bonne marche des activités du service des mines, cela dans la bonne foi [illegible].

Fait à Bukavu le 01/07/2011

L'OPJ et Inspecteur des Mines:

BAHATI [illegible]

NZABU

Annex 123

Photograph of and official statistics relating to Rwandan seizures of illicit minerals originating in the Democratic Republic of the Congo[a]

A. Minerals seized at Rusizi border with the Democratic Republic of the Congo

Date	Description	Qty in tonnes	Place where goods were seized	Location of seized minerals	Owner	Transport used / comments
08/05/11	Cassiterite	1.950	Kamembe/Rusizi	Handed over to OGMR	Gasore Edrissa	"
27/05/11	"	2	Mururu/Rusizi	"	Kizungu Seruti	"
30/05/11	"	0.500	Mururu/Rusizi	"	Nsabimana Gaspert	"
07/06/11	"	4.950	Kamembe/Rusizi	"	Serushago Faustin	"
08/06/11	"	8.275	Kamembe/Rusizi	"	Sebakungu Vincent	"
08/06/11	"		Kamembe/Rusizi	"	Semitwe Abiriko	"
10/06/11	"	7.600	Kamembe/Rusizi	"	Nkurunziza Antoine	"
		25.598				

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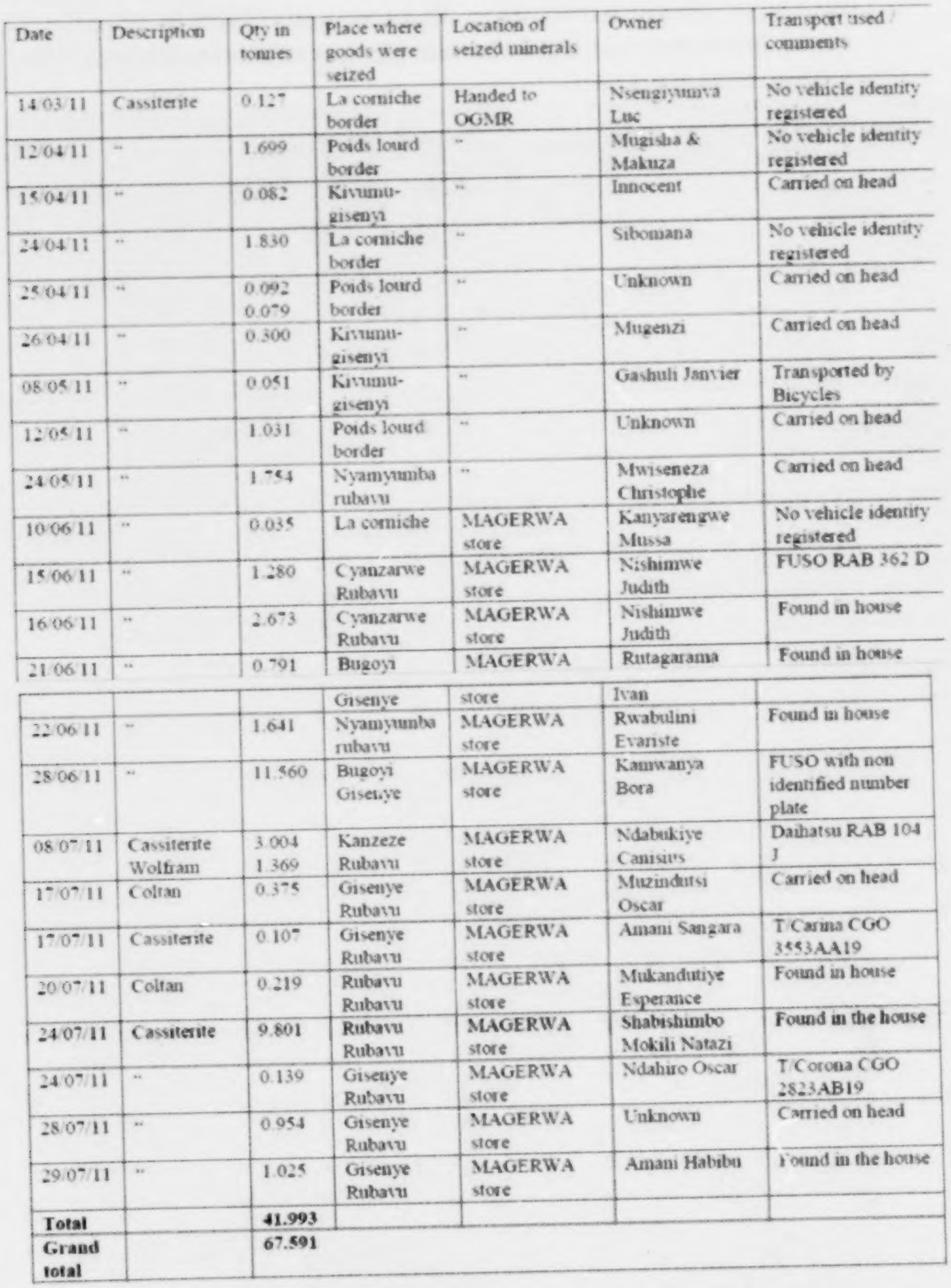
[a] Data provided by the Government of Rwanda.

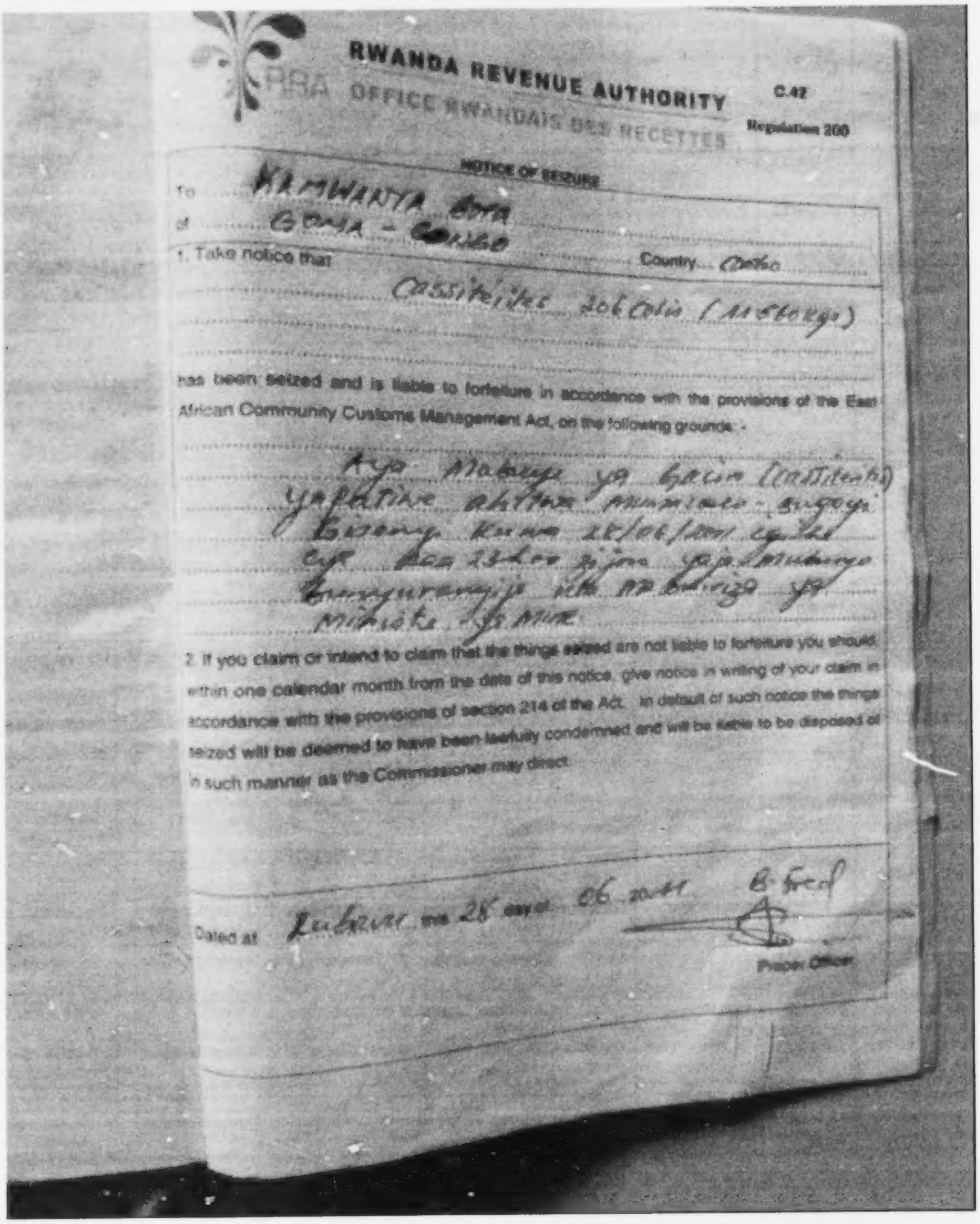
B. Minerals seized at Ruvabu border with the Democratic Republic of the Congo



Date	Description	Qty in tonnes	Place where goods were seized	Location of seized minerals	Owner	Transport used / comments
14/03/11	Cassiterite	0.127	La corniche border	Handed to OGMR	Nsengiyumva Luc	No vehicle identity registered
12/04/11	"	1.699	Poids lourd border	"	Mugisha & Makuza	No vehicle identity registered
15/04/11	"	0.082	Kivumu-gisenyi	"	Innocent	Carried on head
24/04/11	"	1.830	La corniche border	"	Sibomana	No vehicle identity registered
25/04/11	"	0.092 0.079	Poids lourd border	"	Unknown	Carried on head
26/04/11	"	0.300	Kivumu-gisenyi	"	Mugenzi	Carried on head
08/05/11	"	0.051	Kivumu-gisenyi	"	Gashuli Janvier	Transported by Bicycles
12/05/11	"	1.031	Poids lourd border	"	Unknown	Carried on head
24/05/11	"	1.754	Nyamyumba rubavu	"	Mwiseneza Christophe	Carried on head
10/06/11	"	0.035	La corniche	MAGERWA store	Kanyarengwe Mussa	No vehicle identity registered
15/06/11	"	1.280	Cyanzarwe Rubavu	MAGERWA store	Nishimwe Judith	FUSO RAB 362 D
16/06/11	"	2.673	Cyanzarwe Rubavu	MAGERWA store	Nishimwe Judith	Found in house
21/06/11	"	0.791	Bugoyi Gisenye	MAGERWA store	Rutagarama Ivan	Found in house
22/06/11	"	1.641	Nyamyumba rubavu	MAGERWA store	Rwabulini Evariste	Found in house
28/06/11	"	11.560	Bugoyi Gisenye	MAGERWA store	Kamwanya Bora	FUSO with non identified number plate
08/07/11	Cassiterite Wolfram	3.004 1.369	Kanzeze Rubavu	MAGERWA store	Ndabukiye Canisius	Daihatsu RAB 104 J
17/07/11	Coltan	0.375	Gisenye Rubavu	MAGERWA store	Muzindutsi Oscar	Carried on head
17/07/11	Cassiterite	0.107	Gisenye Rubavu	MAGERWA store	Amani Sangara	T/Carina CGO 3553AA19
20/07/11	Coltan	0.219	Rubavu Rubavu	MAGERWA store	Mukandutiye Esperance	Found in house
24/07/11	**Cassiterite**	**9.801**	**Rubavu** Rubavu	**MAGERWA** store	**Shabishimbo** Mokili Natazi	**Found in the house**
24/07/11	"	0.139	Gisenye Rubavu	MAGERWA store	Ndahiro Oscar	T/Corona CGO 2823AB19
28/07/11	"	0.954	Gisenye Rubavu	MAGERWA store	Unknown	Carried on head
29/07/11	"	1.025	Gisenye Rubavu	MAGERWA store	Amani Habibu	Found in the house
Total		**41.993**				
Grand total		**67.591**				

Annex 124

Seizure notice of the Rwanda Revenue Authority showing that ex-General Kamwanya Bora was involved in illegal cross-border trade between the Democratic Repubiic of the Congo and Rwanda



RWANDA REVENUE AUTHORITY
RRA OFFICE RWANDAIS DES RECETTES

C.42
Regulation 200

NOTICE OF SEIZURE

To KAMWANYA Bora
of GOMA - CONGO

1. Take notice that Country Congo

Cassiterites 206 Colis (11 560 kgs)

has been seized and is liable to forfeiture in accordance with the provisions of the East African Community Customs Management Act, on the following grounds: -

Ayo Mabuye ya Gacin (cassiterite) yafatiwe ahitwa [illegible] - Bugoyi [illegible] Kuwa 28/06/2011 [illegible] [illegible] 23h00 [illegible] [illegible] [illegible] [illegible] ya Minisite [illegible]

2. If you claim or intend to claim that the things seized are not liable to forfeiture you should within one calendar month from the date of this notice, give notice in writing of your claim in accordance with the provisions of section 214 of the Act. In default of such notice the things seized will be deemed to have been lawfully condemned and will be liable to be disposed of in such manner as the Commissioner may direct.

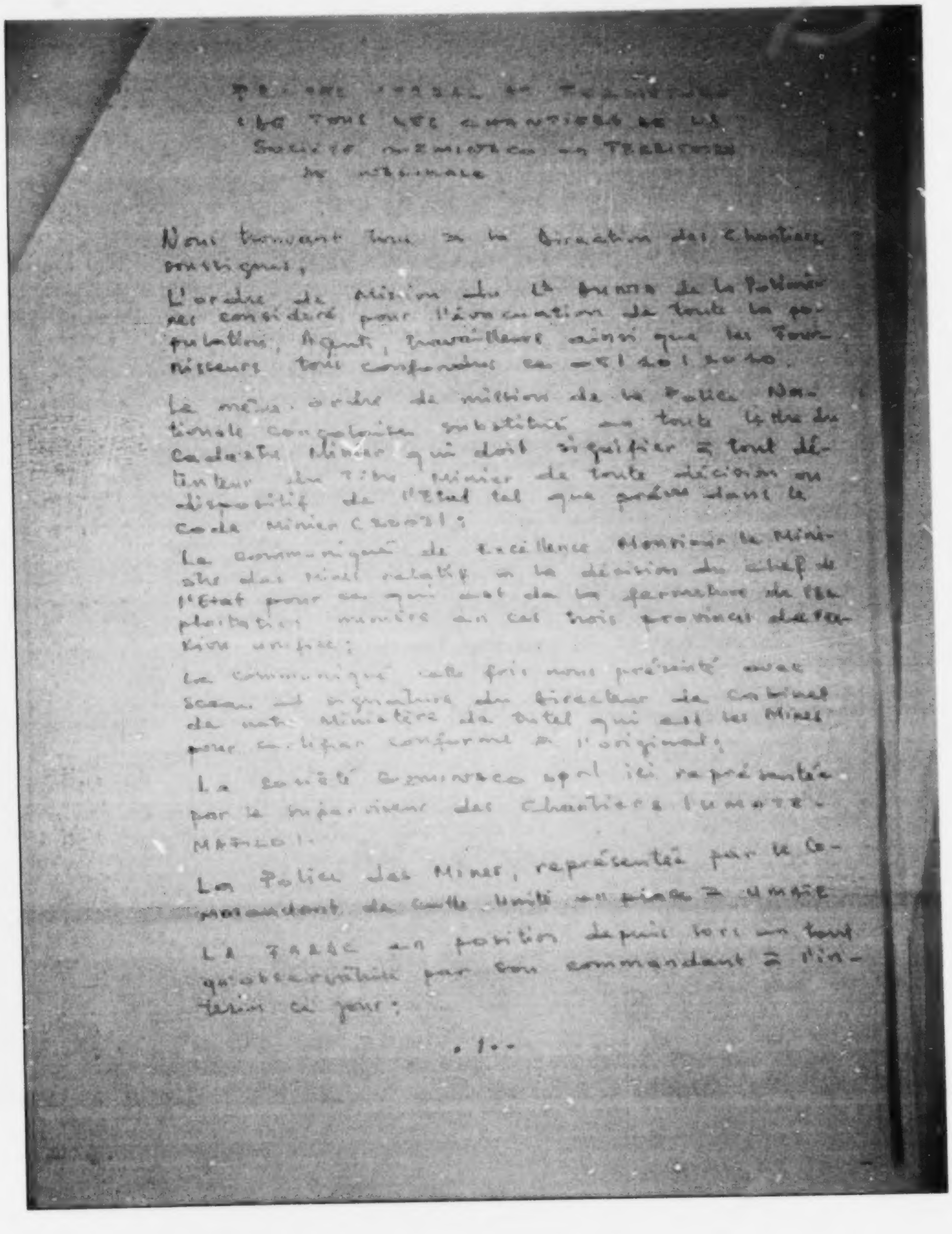
Dated at Rubavu the 28 day of 06 2011

B. Fred

Proper Officer

Annex 125

Agreement signed on 11 October 2010 by representatives of Geminaco, FARDC and the mine police allowing Geminaco to keep 25 agents on site during the mining suspension



PROCÈS VERBAL DE [illegible]
DE TOUS LES CHANTIERS DE LA
SOCIÉTÉ GEMINACO EN TERRITOIRE
DE WALIKALE

Nous trouvant tous à la Direction des Chantiers soussignés,

L'ordre de mission du [illegible] de la Polimine [illegible] considéré pour l'évacuation de toute la population, Agents, travailleurs ainsi que les Fournisseurs tous confondus ce [illegible]/10/2010.

Le même ordre de mission de la Police Nationale Congolaise substitué au titre du Cadastre Minier qui doit signifier à tout détenteur du titre minier de toute décision ou dispositif de l'Etat tel que prévu dans le Code Minier (2002);

Le communiqué de Excellence Monsieur le Ministre des Mines relatif à la décision du chef de l'Etat pour ce qui est de la fermeture de l'exploitation minière en ces trois provinces de l'ex-Kivu unifié;

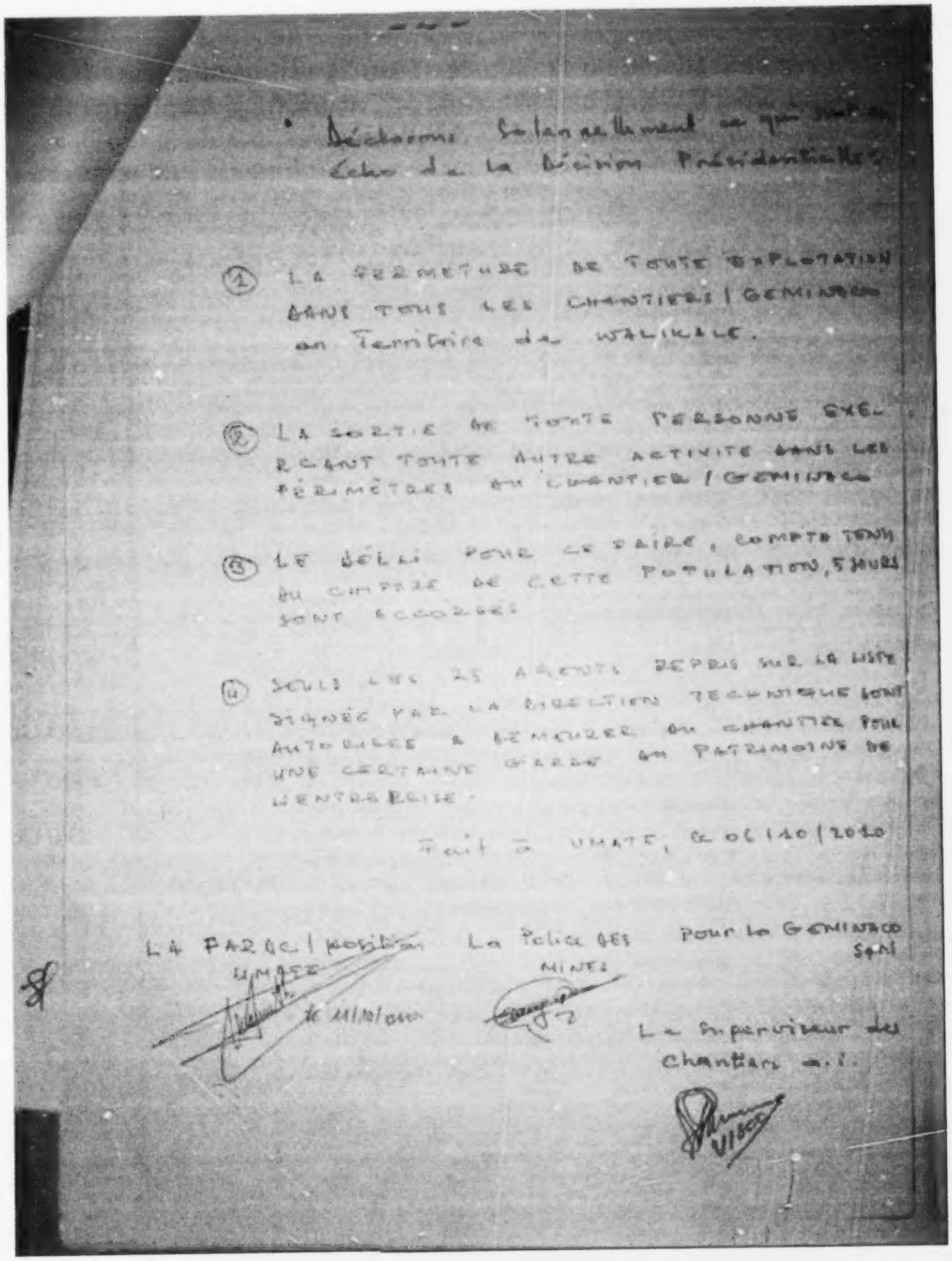
Le communiqué cette fois nous présenté avec sceau et signature du Directeur de Cabinet de notre Ministère de tutel qui est les Mines pour certifier conforme à l'original;

La société Geminaco sprl ici représentée par le superviseur des Chantiers [illegible]-[illegible].

La Police des Mines, représentée par le Commandant de cette unité en place à [illegible]

LA FARDC en position depuis lors en tout quartier représentée par son commandant à l'intérim ce jour;

./..



- Déclarons Solennellement ce qui suit en Écho de la Décision Présidentielle:

① LA FERMETURE DE TOUTE EXPLOITATION DANS TOUS LES CHANTIERS / GEMINACO en Territoire de WALIKALE.

② LA SORTIE DE TOUTE PERSONNE EXERÇANT TOUTE AUTRE ACTIVITE DANS LES PÉRIMÈTRES DU CHANTIER / GEMINACO

③ LE DÉLAI POUR CE FAIRE, COMPTE TENU DU CHIFFRE DE CETTE POPULATION, 5 JOURS SONT ACCORDÉS

④ SEULS LES 25 AGENTS REPRIS SUR LA LISTE SIGNÉE PAR LA DIRECTION TECHNIQUE SONT AUTORISÉS À DEMEURER AU CHANTIER POUR UNE CERTAINE GARDE DU PATRIMOINE DE L'ENTREPRISE.

Fait à UMATE, le 06/10/2010

LA FARDC / position UMATE
Lt Mimiom

La Police des MINES

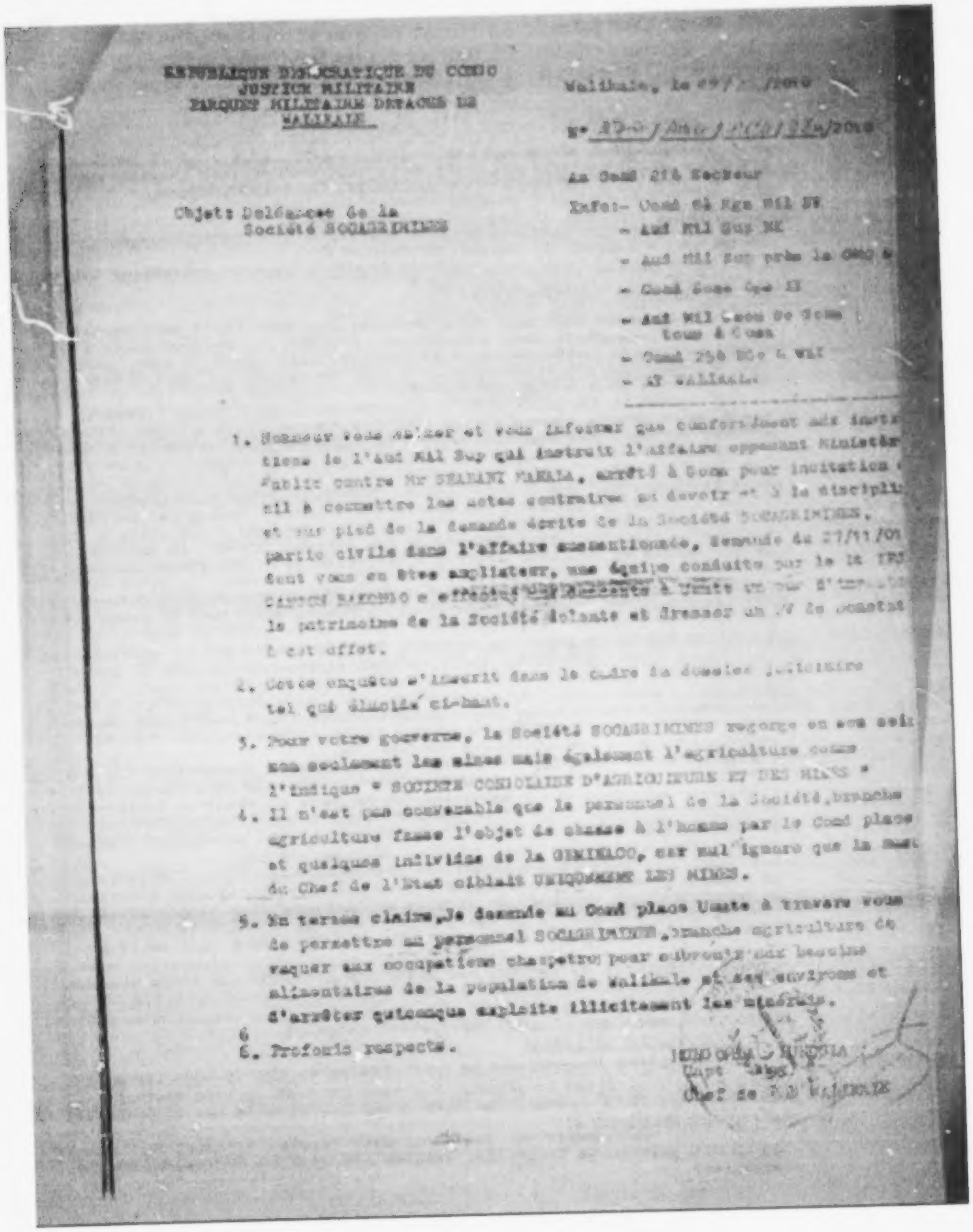
Pour la GEMINACO SPRL

Le Superviseur des Chantiers a.i.

VISCO

Annex 126

Letter dated 9 December 2011 from the Walikale territorial administrator instructing FARDC units in the area to accept the installation of Socagrimines at Omate and the departure of Geminaco



REPUBLIQUE DEMOCRATIQUE DU CONGO
JUSTICE MILITAIRE
PARQUET MILITAIRE DETACHE DE
WALIKALE

Walikale, le 09/[illegible]/2010

N° [illegible]/2010

Au Comd 21è Secteur

Info:- Comd 8è Rgn Mil NK
- Aud Mil Sup NK
- Aud Mil Sup près la [illegible]
- Comd Zone Ops NK
- Aud Mil Garn de Goma
  tous à Goma
- Comd 212 Bde à WAL
- AT WALIKALE.

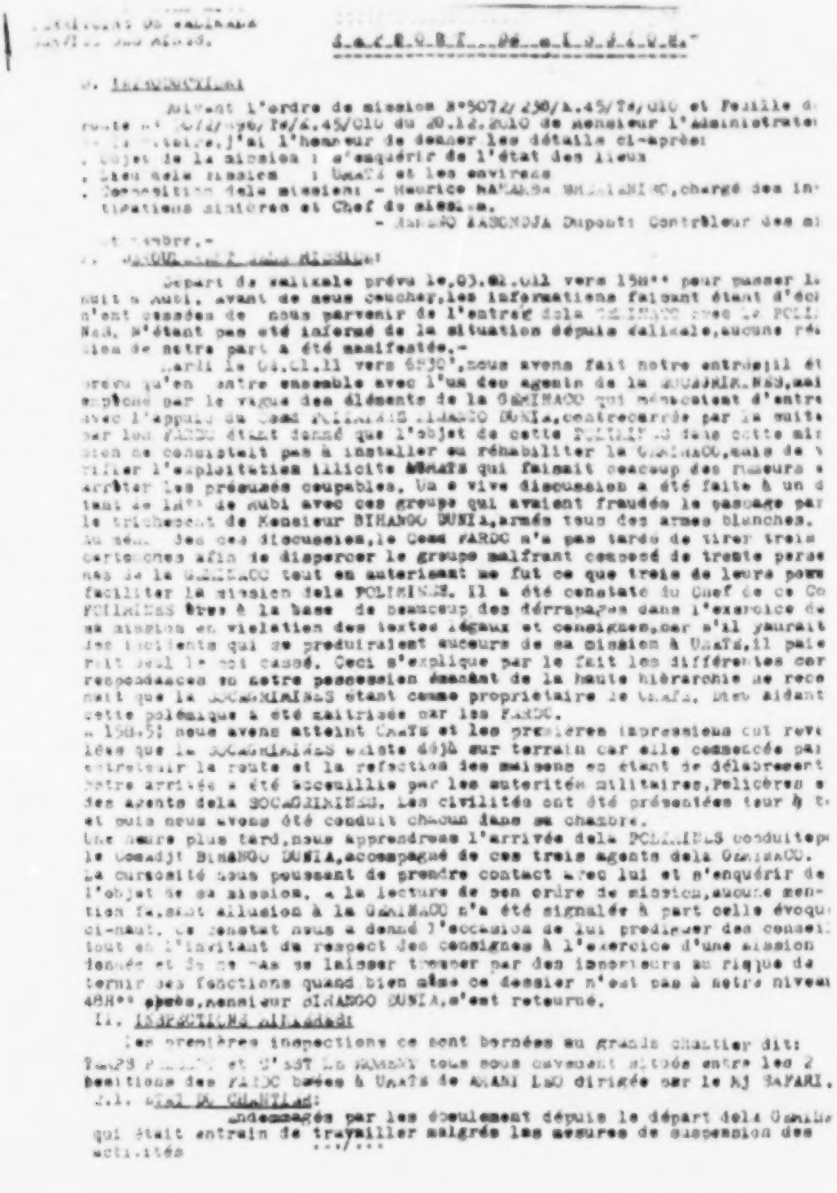
Objet: Doléances de la
Société SOCAGRIMINES

1. Honneur vous aviser et vous informer que conformément aux instr tions de l'Aud Mil Sup qui instruit l'affaire opposant Ministère Public contre Mr SHABANI MAKALA, arrêté à Goma pour incitation [illegible] mil à commettre les actes contraires au devoir et à la disciplin et sur pied de la demande écrite de la Société SOCAGRIMINES, partie civile dans l'affaire susmentionnée, demande du 27/11/01 dont vous en êtes ampliateur, une équipe conduite par le Lt [illegible] CAPITON BAKENGO a effectué une descente à Omate en vue d'inventorier le patrimoine de la Société volante et dresser un PV de constat à cet effet.
2. Cette enquête s'inscrit dans le cadre du dossier judiciaire tel que élucidé ci-haut.
3. Pour votre gouverne, la Société SOCAGRIMINES regorge en son sein non seulement les mines mais également l'agriculture comme l'indique « SOCIETE CONGOLAISE D'AGRICULTURE ET DES MINES ».
4. Il n'est pas convenable que le personnel de la Société, branche agriculture fasse l'objet de chasse à l'homme par le Comd place et quelques individus de la GEMINACO, car nul n'ignore que la mes du Chef de l'Etat ciblait UNIQUEMENT LES MINES.
5. En termes claire, Je demande au Comd place Omate à travers vous de permettre au personnel SOCAGRIMINES, branche agriculture de vaquer aux occupations champêtres pour subvenir aux besoins alimentaires de la population de Walikale et ses environs et d'arrêter quiconque exploite illicitement les minerais.
6. Profonds respects.

[illegible]
Capt [illegible]
Chef de [illegible] WALIKALE

Annex 127

Report on mission to Omate conducted by Ministry of Mines authorities, indicating that Major Safari effectively halted an attempt by mine police Commander Bihango Dunia and Geminaco to obstruct the mission



[illegible] DE WALIKALE
SERVICE DES MINES.

RAPPORT DE MISSION.-

0. INTRODUCTION:

Suivant l'ordre de mission N°5072/230/A.45/Te/010 et Feuille d
route n° 5072/230/Te/A.45/010 du 20.12.2010 de monsieur l'Administrateu
[illegible], j'ai l'honneur de donner les détails ci-après:
. Objet de la mission : s'enquérir de l'état des lieux
. Lieu de la mission : OMATE et les environs
. Composition dela mission: - Maurice MATABA [illegible], chargé des in-
tigations minières et Chef de mission.
- [illegible] KASONDJA Dupont: Contrôleur des mi
et membre.-

I. DEROULEMENT DE LA MISSION:

Départ de walikale prévu le 03.01.2011 vers 15H°° pour passer la
nuit à Mubi. Avant de nous coucher, les informations faisant état d'éc
n'ont cessées de nous parvenir de l'entrée dela GEMINACO avec le POLI
NES. N'étant pas été informé de la situation depuis Walikale, aucune ré
tion de notre part a été manifestée.-
Mardi le 04.01.11 vers 6H30', nous avons fait notre entrée; il ét
prévu qu'on entre ensemble avec l'un des agents de la SOCAGRIMINES, mai
empêché par le vague des éléments de la GEMINACO qui ménaçaient d'entre
avec l'appui du Comd POLIMINES BIHANGO DUNIA, contrecarrée par la suite
par les FARDC étant donné que l'objet de cette POLIMINES dans cette mis
sion ne consistait pas à installer ou réhabiliter la GEMINACO, mais de v
rifier l'exploitation illicite d'OMATE qui faisait beaucoup des rumeurs e
arrêter les présumés coupables. Une vive discussion a été faite à un d
tant de 1Km de Mubi avec ces groupe qui avaient fraudés le passage par
le truchement de Monsieur BIHANGO DUNIA, armés tous des armes blanches.
Au moment des ces discussion, le Comd FARDC n'a pas tardé de tirer trois
cartouches afin de disperser le groupe malfrant composé de trente perso
nes de la GEMINACO tout en autorisant ne fut ce que trois de leurs pour
faciliter la mission dela POLIMINES. Il a été constaté du Chef de ce Co
POLIMINES être à la base de beaucoup des dérrapages dans l'exercice de
sa mission en violation des textes légaux et consignes, car s'il y aurait
des incidents qui se produiraient aucours de sa mission à OMATE, il paie
rait seul le pot cassé. Ceci s'explique par le fait les différentes cor
respondances en notre possession émanant de la haute hiérarchie ne reco
nait que la SOCAGRIMINES étant comme proprietaire de OMATE. Dieu aidant
cette polémique a été maitrisée par les FARDC.
A 15H45' nous avons atteint OMATE et les premières impressions ont réve
lées que la SOCAGRIMINES existe déjà sur terrain car elle commencée par
entretenir la route et la refection des maisons en étant de délabrement
Notre arrivée a été accueillie par les autorités militaires, Policières e
des agents dela SOCAGRIMINES. Les civilités ont été présentées tour à t
et puis nous avons été conduit chacun dans sa chambre.
Une heure plus tard, nous apprendrons l'arrivée dela POLIMINES conduite p
le Comadjt BIHANGO DUNIA, accompagné de ces trois agents dela GEMINACO.
La curiosité nous poussant de prendre contact avec lui et s'enquérir de
l'objet de sa mission. A la lecture de son ordre de mission, aucune men-
tion faisant allusion à la GEMINACO n'a été signalée à part celle évoqu
ci-haut. Ce constat nous a donné l'occasion de lui prodiguer des consei
tout en l'invitant au respect des consignes à l'exercice d'une mission
donnée et de ne pas se laisser tromper par des innovateurs au risque de
ternir ses fonctions quand bien même ce dossier n'est pas à notre niveau
48H°° après, monsieur BIHANGO DUNIA, s'est retourné.

II. INSPECTIONS MINIERES:

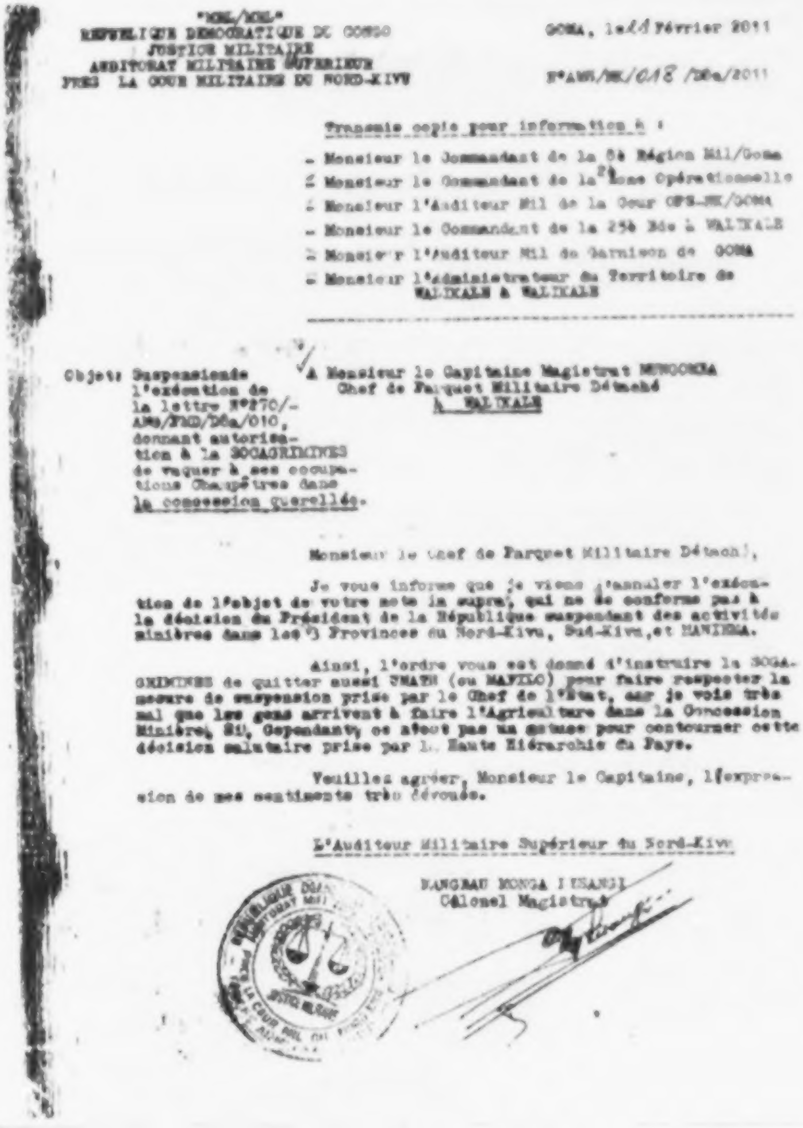
Les premières inspections se sont bornées au grand chantier dit:
[illegible] et C'EST LA [illegible] tous sous cavement situés entre les 2
positions des FARDC basées à OMATE de AMANI LEO dirigée par le MJ SAFARI.

2.1. ETAT DU CHANTIER:

Endommagés par les éboulement depuis le départ dela GEMINA
qui était entrain de travailler malgrés les mesures de suspension des
activités
.../...

Annex 128

Communication sent by the superior military prosecutor of North Kivu to military authorities instructing Socagrimines to leave Omate



[illegible]
REPUBLIQUE DEMOCRATIQUE DU CONGO
JUSTICE MILITAIRE
AUDITORAT MILITAIRE SUPERIEUR
PRES LA COUR MILITAIRE DU NORD-KIVU

GOMA, le 11 Février 2011

N°AMS/NK/018 /D6a/2011

Transmis copie pour information à :

- Monsieur le Commandant de la 8è Région Mil/Goma
- Monsieur le Commandant de la 2è Zone Opérationnelle
- Monsieur l'Auditeur Mil de la Cour OPS-NK/GOMA
- Monsieur le Commandant de la 25è Bde à WALIKALE
- Monsieur l'Auditeur Mil de Garnison de GOMA
- Monsieur l'Administrateur du Territoire de WALIKALE à WALIKALE

Objet: Suspension de l'exécution de la lettre N°270/-AMS/NKD/D6a/010, donnant autorisation à la SOCAGRIMINES de vaquer à ses occupations Champêtres dans la concession querellée.

À Monsieur le Capitaine Magistrat MUNOOKA
Chef de Parquet Militaire Détaché
à WALIKALE

Monsieur le Chef de Parquet Militaire Détaché,

Je vous informe que je viens d'annuler l'exécution de l'objet de votre note in supra, qui ne se conforme pas à la décision du Président de la République suspendant des activités minières dans les 3 Provinces du Nord-Kivu, Sud-Kivu, et MANIEMA.

Ainsi, l'ordre vous est donné d'instruire la SOCAGRIMINES de quitter aussi OMATE (ou MAFILO) pour faire respecter la mesure de suspension prise par le Chef de l'Etat, car je vois très mal que les gens arrivent à faire l'Agriculture dans la Concession Minière, Si), Cependant, ce n'est pas un astuce pour contourner cette décision salutaire prise par la Haute Hiérarchie du Pays.

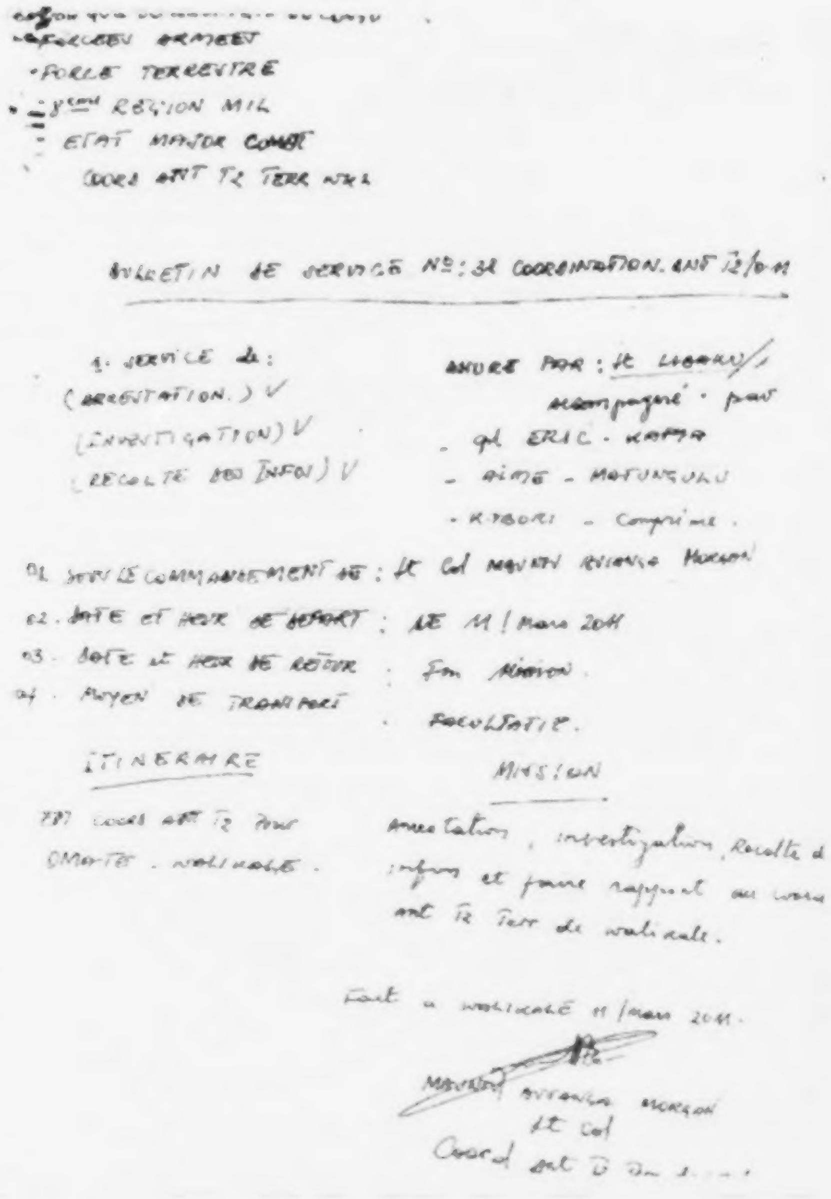
Veuillez agréer, Monsieur le Capitaine, l'expression de mes sentiments très dévoués.

L'Auditeur Militaire Supérieur du Nord-Kivu

MANGBAU MONGA LISANGI
Colonel Magistrat

Annex 129

Mission order by Major Morgan authorizing a mission by Lieutenant Libaku to accompany Geminaco to Omate on 11 March 2011



[illegible]
FORCES ARMEES
FORCE TERRESTRE
8ème REGION MIL
ETAT MAJOR COMBT
COORD ANT TZ TERR WKL

BULLETIN DE SERVICE N°: 32 COORDINATION. ANT TZ/[illegible]

1. SERVICE de:
(ARRESTATION.) V
(INVESTIGATION) V
(RECOLTE DES INFO) V

ASSURE PAR: Lt LIBAKU/, accompagné par
- Cpl ERIC - KAPIA
- AIME - MATUNGULU
- KIBORI - Comprimé.

01. SOUS LE COMMANDEMENT DE: Lt Col MAVUNDA AVIANGA MORGAN
02. DATE ET HEURE DE DEPART: LE 11 / Mars 2011
03. DATE ET HEURE DE RETOUR: Fin Mission.
04. MOYEN DE TRANSPORT: FACULTATIF.

ITINERAIRE

PC COORD ANT TZ Pour OMATE. WALIKALE.

MISSION

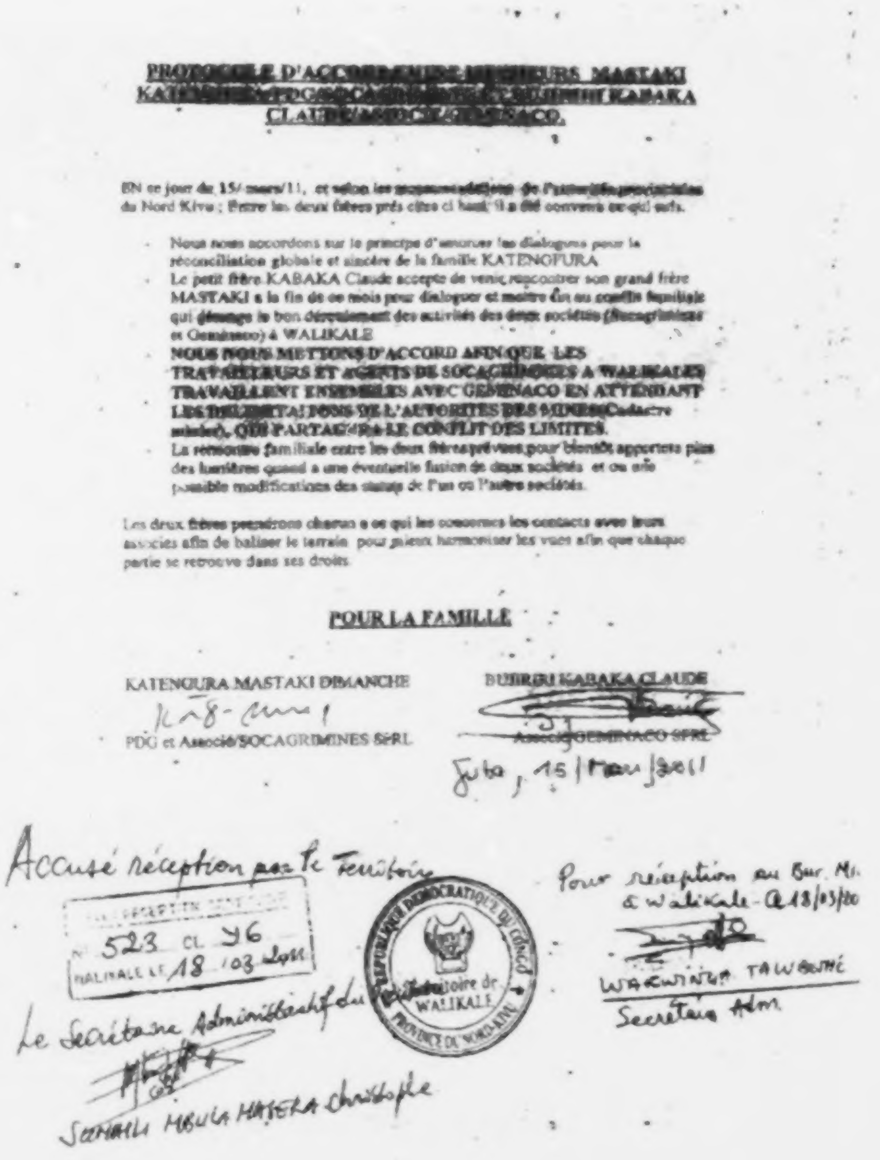
Arrestation, investigation, Recolte d'infos et faire rapport au Coord ant Tz Terr de Walikale.

Fait à WALIKALE 11 /Mars 2011.

MAVUNDA AVIANGA MORGAN
Lt Col
Coord ant Tz Ter [illegible]

Annex 130

Protocol agreement signed on 15 March 2011 by representative of Socogramines and Geminaco to resolve their dispute over Omate and work together in Omate



PROTOCOLE D'ACCORD ENTRE MESSIEURS MASTAKI KATENGURA/PDG SOCAGRIMINES ET BUHRIRI KABAKA CLAUDE/ASSOCIE/GEMINACO.

EN ce jour du 15/ mars/11, et selon les recommandations de l'autorité provinciale du Nord Kivu ; Entre les deux frères pré cites ci haut, il a été convenu ce qui suit.

- Nous nous accordons sur le principe d'amorcer les dialogues pour la réconciliation globale et sincère de la famille KATENGURA
- Le petit frère KABAKA Claude accepte de venir rencontrer son grand frère MASTAKI à la fin de ce mois pour dialoguer et mettre fin au conflit familiale qui dérange le bon déroulement des activités des deux sociétés (Socagrimines et Geminaco) à WALIKALE
- **NOUS NOUS METTONS D'ACCORD AFIN QUE LES TRAVAILLEURS ET AGENTS DE SOCAGRIMINES A WALIKALE TRAVAILLENT ENSEMBLES AVEC GEMINACO EN ATTENDANT LES DELIMITATIONS DE L'AUTORITES DES MINES(Cadastre minier), QUI PARTAGERA LE CONFLIT DES LIMITES.**
- La rencontre familiale entre les deux frères prévues pour bientôt apportera plus des lumières quand à une éventuelle fusion de deux sociétés et ou afin possible modifications des statuts de l'un ou l'autre sociétés.

Les deux frères prendront chacun a ce qui les concernes les contacts avec leurs associés afin de baliser le terrain pour mieux harmoniser les vues afin que chaque partie se retrouve dans ses droits.

POUR LA FAMILLE

KATENGURA MASTAKI DIMANCHE
PDG et Associé/SOCAGRIMINES SPRL

BUHRIRI KABAKA CLAUDE
Associé/GEMINACO SPRL
Goma, 15/Mars/2011

Accusé réception par le Territoire

[illegible] RECEPTION [illegible]
N° 523 CL Y6
WALIKALE LE 18/03/2011

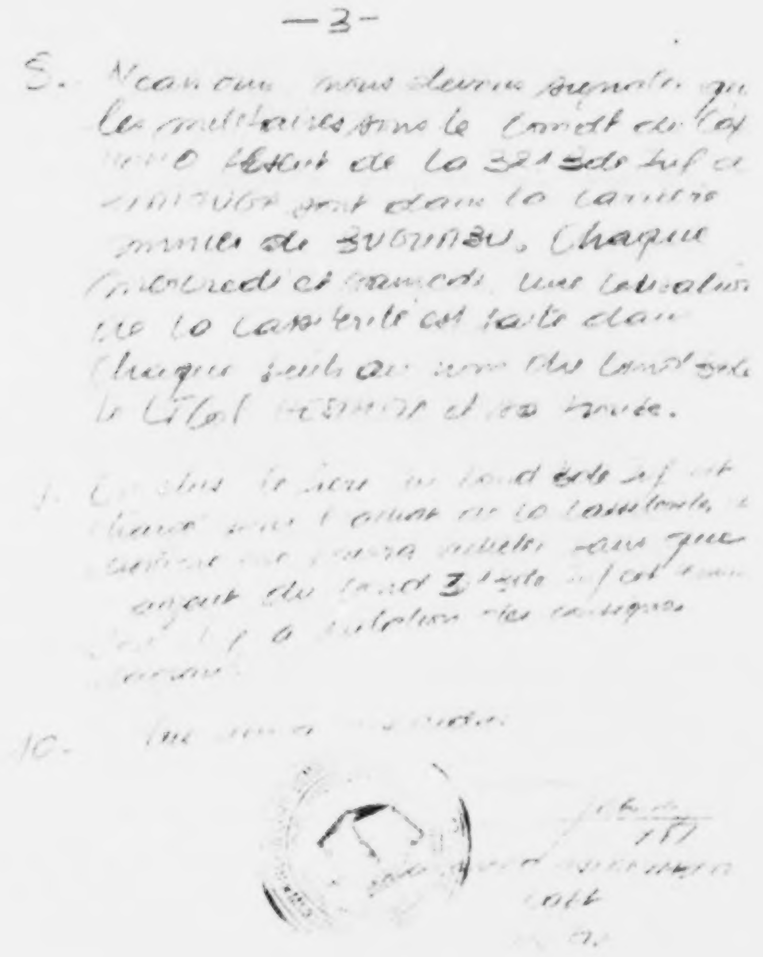
Territoire de WALIKALE

Le Secrétaire Administratif du Territoire
SEMAILI MBULA MASERA Christophe

Pour réception au Bur. Mi. à Walikale - le 18/03/2011
WAKWINGA TAWEMÉ
Secrétaire Adm

Annex 131

Section of a report by military prosecutors indicating that Captain Nono and Colonel Heshima exercised control over Bugumbu cassiterite mine



—3—

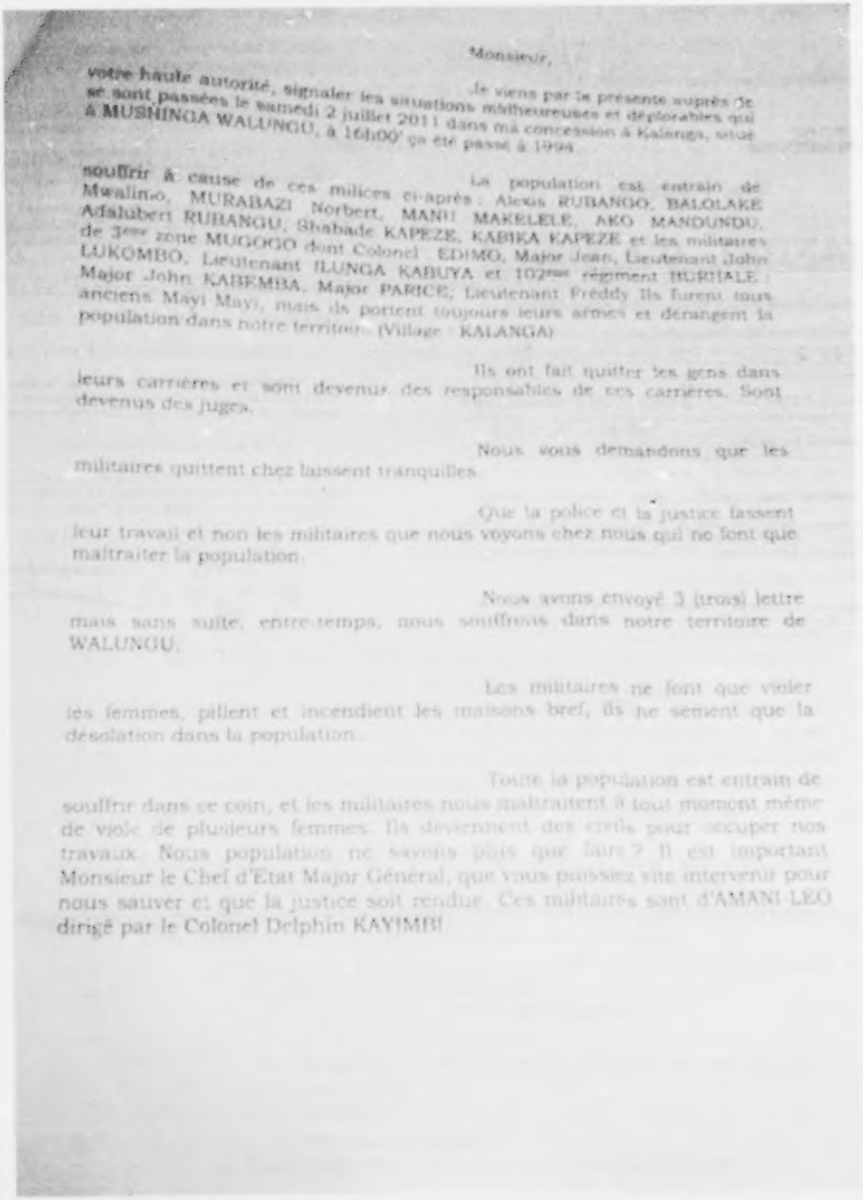
8. Néanmoins nous devons signaler que les militaires sous le Comdt du Cpt NONO Lenfant de la 321ème Bde Inf à KIMÚGA sont dans la carrière minière de BUGUMBU. Chaque mercredi et samedi une collecte de la cassitérite est faite dans chaque puits au nom du Comdt 3ème Bde le LtCol HESHIMA et sa troupe.

9. [illegible] le [illegible] du Comd 8ème Inf et [illegible] la cassitérite [illegible] acheter ainsi que [illegible] du Comd 3ème Bde Inf est [illegible] la [illegible] des [illegible]

10. [illegible]

Annex 132

Extract of a letter dated 6 July from Chunu Ntabala addressed to civil and military authorities in South Kivu complaining about abuse of power by militia and FARDC forces in Mukungwe



Monsieur,

Je viens par la présente auprès de votre haute autorité, signaler les situations malheureuses et déplorables qui se sont passées le samedi 2 juillet 2011 dans ma concession à Kalanga, situé à MUSHINGA WALUNGU, à 16h00' ça été passé à 1994

La population est entrain de souffrir à cause de ces milices ci-après : Alexis RUBANGO, BALOLAKE Mwalimo, MURABAZI Norbert, MANU MAKELELE, AKO MANDUNDU, Adalubert RUBANGU, Shabade KAPEZE, KABIKA KAPEZE et les militaires de 3ème zone MUGOGO dont Colonel EDIMO, Major Jean, Lieutenant John LUKOMBO, Lieutenant ILUNGA KABUYA et 102ème régiment BURHALE : Major John KABEMBA, Major PARICE, Lieutenant Freddy Ils furent tous anciens Mayi Mayi, mais ils portent toujours leurs armes et dérangent la population dans notre territoire (Village : KALANGA)

Ils ont fait quitter les gens dans leurs carrières et sont devenus des responsables de ces carrières. Sont devenus des juges.

Nous vous demandons que les militaires quittent chez laissent tranquilles.

Que la police et la justice fassent leur travail et non les militaires que nous voyons chez nous qui ne font que maltraiter la population.

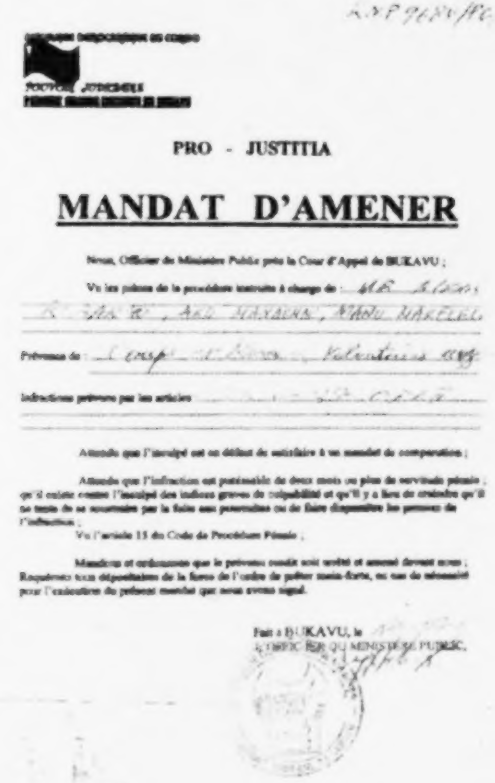
Nous avons envoyé 3 (trois) lettre mais sans suite, entre-temps, nous souffrons dans notre territoire de WALUNGU.

Les militaires ne font que violer les femmes, pillent et incendient les maisons bref, ils ne sement que la désolation dans la population.

Toute la population est entrain de souffrir dans ce coin, et les militaires nous maltraitent à tout moment même de viole de plusieurs femmes. Ils deviennent des civils pour occuper nos travaux. Nous population ne savons plus que faire ? Il est important Monsieur le Chef d'Etat Major Général, que vous puissiez vite intervenir pour nous sauver et que la justice soit rendue. Ces militaires sont d'AMANI-LEO dirigé par le Colonel Delphin KAYIMBI.

Annex 133

Arrest warrant for Alexis Rubango and two consorts, dated 1 July 2011, and arrest warrant for Alexis Rubango and military and civilian associates, dated 23 July 2011



[illegible]

PRO - JUSTITIA

MANDAT D'AMENER

Nous, Officier du Ministère Public près la Cour d'Appel de BUKAVU ;

Vu les pièces de la procédure instruite à charge de : [illegible]

Prévenus de : [illegible]

Infractions prévues par les articles [illegible]

Attendu que l'inculpé est en défaut de satisfaire à un mandat de comparution ;

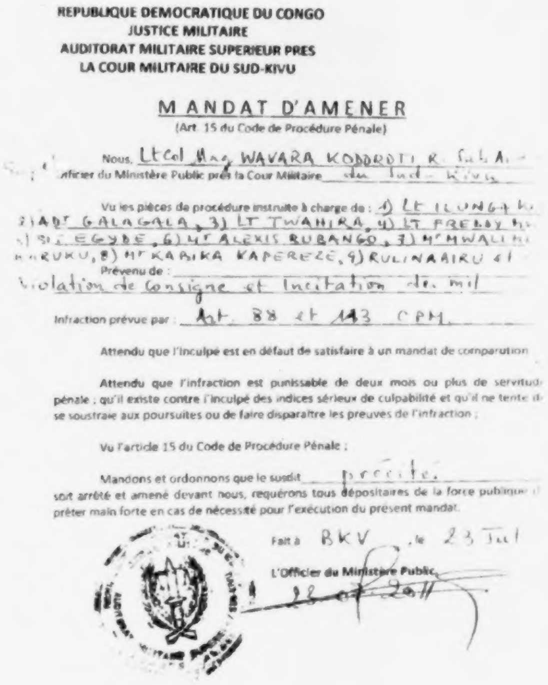
Attendu que l'infraction est punissable de deux mois ou plus de servitude pénale ; qu'il existe contre l'inculpé des indices graves de culpabilité et qu'il y a lieu de craindre qu'il ne tente de se soustraire par la fuite aux poursuites ou de faire disparaître les preuves de l'infraction ;

Vu l'article 15 du Code de Procédure Pénale ;

Mandons et ordonnons que le prévenu susdit soit arrêté et amené devant nous ; Requérons tous dépositaires de la force de l'ordre de prêter main-forte, en cas de nécessité pour l'exécution du présent mandat que nous avons signé.

Fait à BUKAVU, le [illegible]

L'OFFICIER DU MINISTERE PUBLIC,



REPUBLIQUE DEMOCRATIQUE DU CONGO
JUSTICE MILITAIRE
AUDITORAT MILITAIRE SUPERIEUR PRES
LA COUR MILITAIRE DU SUD-KIVU

MANDAT D'AMENER

(Art. 15 du Code de Procédure Pénale)

Nous, Lt Col Mag WAVARA KODDROTI R.

Officier du Ministère Public près la Cour Militaire du Sud-Kivu

Vu les pièces de procédure instruite à charge de : 1) Lt ILUNGA K. 2) Adt GALAGALA, 3) Lt TWAHIRA, 4) Lt FREDDY 5) S/Lt EGYDE, 6) Mr ALEXIS RUBANGO, 7) Mr MWALIMU KARUKU, 8) Mr KABIKA KAPEREZE, 9) RULINAAIRU et

Prévenu de : Violation de consigne et Incitation de mil

Infraction prévue par : Art. 88 et 143 CPM.

Attendu que l'inculpé est en défaut de satisfaire à un mandat de comparution

Attendu que l'infraction est punissable de deux mois ou plus de servitude pénale ; qu'il existe contre l'inculpé des indices sérieux de culpabilité et qu'il ne tente de se soustraie aux poursuites ou de faire disparaître les preuves de l'infraction ;

Vu l'article 15 du Code de Procédure Pénale ;

Mandons et ordonnons que le susdit précité. soit arrêté et amené devant nous, requérons tous dépositaires de la force publique de prêter main forte en cas de nécessité pour l'exécution du présent mandat.

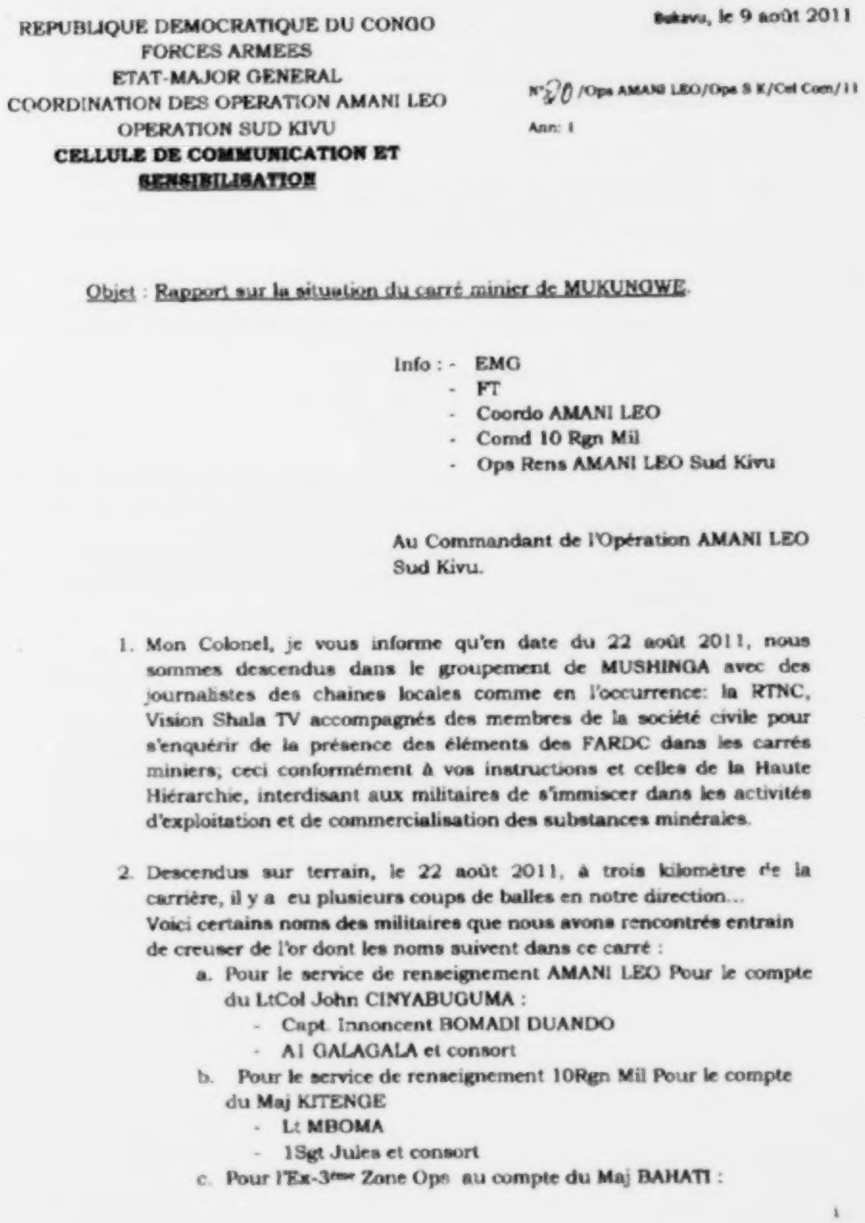
Fait à BKV, le 23 Jul

L'Officier du Ministère Public,

23-07-2011

Annex 134

Report of Lieutenant Colonel Kazarama Vianney, spokesperson for Operation Amani Leo in South Kivu, on the mission to Mukungwe undertaken on 22 August 2011



REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
ETAT-MAJOR GENERAL
COORDINATION DES OPERATION AMANI LEO
OPERATION SUD KIVU
CELLULE DE COMMUNICATION ET
SENSIBILISATION

Bukavu, le 9 août 2011

N°20 /Ops AMANI LEO/Ops S K/Cel Com/11

Ann: 1

Objet : Rapport sur la situation du carré minier de MUKUNGWE.

Info : - EMG
- FT
- Coordo AMANI LEO
- Comd 10 Rgn Mil
- Ops Rens AMANI LEO Sud Kivu

Au Commandant de l'Opération AMANI LEO
Sud Kivu.

1. Mon Colonel, je vous informe qu'en date du 22 août 2011, nous sommes descendus dans le groupement de MUSHINGA avec des journalistes des chaines locales comme en l'occurrence: la RTNC, Vision Shala TV accompagnés des membres de la société civile pour s'enquérir de la présence des éléments des FARDC dans les carrés miniers; ceci conformément à vos instructions et celles de la Haute Hiérarchie, interdisant aux militaires de s'immiscer dans les activités d'exploitation et de commercialisation des substances minérales.

2. Descendus sur terrain, le 22 août 2011, à trois kilomètre de la carrière, il y a eu plusieurs coups de balles en notre direction...
Voici certains noms des militaires que nous avons rencontrés entrain de creuser de l'or dont les noms suivent dans ce carré :
    a. Pour le service de renseignement AMANI LEO Pour le compte du LtCol John CINYABUGUMA :
        - Capt. Innoncent BOMADI DUANDO
        - A1 GALAGALA et consort
    b. Pour le service de renseignement 10Rgn Mil Pour le compte du Maj KITENGE
        - Lt MBOMA
        - 1Sgt Jules et consort
    c. Pour l'Ex-$3^{\text{ème}}$ Zone Ops au compte du Maj BAHATI :

1

- Lt. TWAHIRA Faustin
- Lt. ILUNGA KABEYA
- Lt. EGYDE
- Lt. CLAUDE et consort
-

3. Je vous informe que tous ceux-ci sont recherchés par des mandats d'amener de l'Auditorat Supérieur du 23 juillet 2011 mais protégés par leurs chefs respectifs; leur mission est d'apporter des minerais (or) ou soit 5 000$ USD (cinq milles dollars américain) par chaque service et cela par semaine.

4. Mon Colonel, nous craignons qu'après les opérations, les cours et tribunaux nationaux et/ou internationaux entament des poursuites judiciaires pour tous ces commanditaires qui exploitent les carrières et pour d'autres allégations commises pendant et après les Opérations

5. Les agents des services des renseignements qui devraient empêcher les infractions graves, sont ceux qui sont à la base des violations au lieu de localiser l'ennemi, ils envoient leurs agent dans les carrés miniers; notamment :
   La carrière de NYABIBWE
   La carrière de KAMITUGA
   La carrière de MUFWA

6. Mon Colonel, vous avez fait plusieurs appels aux responsables des Grandes Unités de s'éloigner et d'éviter l'exploitation et la commercialisation des minerais; ils sont tous au courant.
   Nous souhaitons que tous les contrevenants soient déférés devant la Justice Militaire comme vous l'avez fait à un Officier supérieur la fois dernière.

7. Pour éviter de diaboliser les FARDC nous demanderions la démilitarisation du carré minier de MUKUNGWE/maroc et autres et que la police de mines prenne la relève.

8. Mon Colonel, au mois d'avril je vous ai informé du cachot souterrain entretenu par le Lieutenant Colonel John CHINYABUGUMA; un civil dans ce cachot est obligé de lui payer une amende forfaitaire de1 000$ USD (mille dollars américain); nous avons des images et cela constitue un crime contre l'humanité et ternie- l'image des FARDC.

9. Je vous transmets les noms des victimes liées à cette exploitation illicite. En annexe: photos et le rapport de CEPA de la place.

- MUTABAGIRA CUNU
- FURAHA
- BALEINE
- MULEMANYAMUSHONGA
- BADOSA NABIKUBA
- KANDANDA NTUGULO
- BARHACIKUBAGIRWA JULBERTA
- RUCERACERA
- BACHEKE NGONGI
- BYUMA NTANGE (actuellement hospitalisé à l'hôpital général de référence de MUBUMBANO)

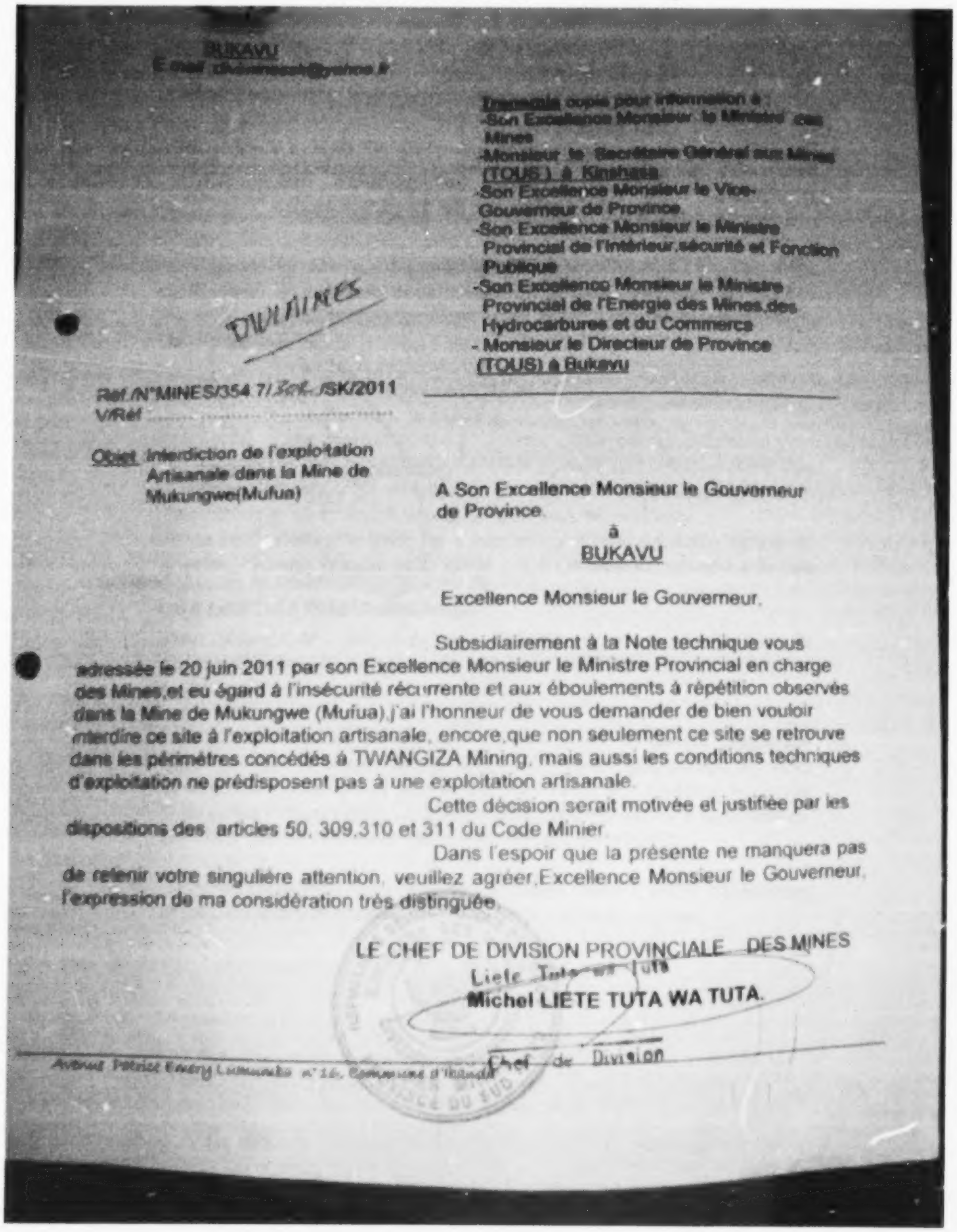
10. Je reste soumis à vos ordres.

KAZARAMA Vianney
LtCol

Cellule de Communication et Sensibilisation
Opération AMANI LEO Sud Kivu

Annex 135

Letter from the chief of the provincial division of mines addressed to the Governor of South Kivu, advising him to ban artisanal mining in Mukungwe, owing to insecurity and landslides



BUKAVU
E mail : [illegible]

Transmis copie pour information à :
-Son Excellence Monsieur le Ministre des Mines
-Monsieur le Secrétaire Général aux Mines
(TOUS) à Kinshasa
-Son Excellence Monsieur le Vice-Gouverneur de Province
-Son Excellence Monsieur le Ministre Provincial de l'Intérieur,sécurité et Fonction Publique
-Son Excellence Monsieur le Ministre Provincial de l'Energie des Mines,des Hydrocarbures et du Commerce
- Monsieur le Directeur de Province
(TOUS) à Bukavu

DIVIMINES

Réf./N°MINES/354.7/[illegible]/SK/2011
V/Réf ……………………………

Objet: Interdiction de l'exploitation Artisanale dans la Mine de Mukungwe(Mufua)

A Son Excellence Monsieur le Gouverneur de Province
à
BUKAVU

Excellence Monsieur le Gouverneur,

Subsidiairement à la Note technique vous adressée le 20 juin 2011 par son Excellence Monsieur le Ministre Provincial en charge des Mines,et eu égard à l'insécurité récurrente et aux éboulements à répétition observés dans la Mine de Mukungwe (Mufua),j'ai l'honneur de vous demander de bien vouloir interdire ce site à l'exploitation artisanale, encore,que non seulement ce site se retrouve dans les périmètres concédés à TWANGIZA Mining, mais aussi les conditions techniques d'exploitation ne prédisposent pas à une exploitation artisanale.

Cette décision serait motivée et justifiée par les dispositions des articles 50, 309,310 et 311 du Code Minier.

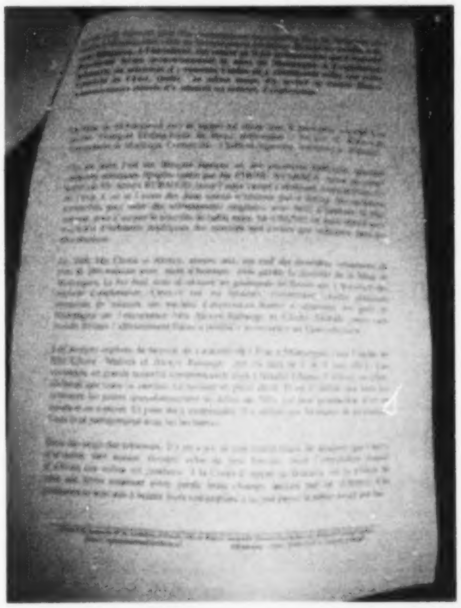
Dans l'espoir que la présente ne manquera pas de retenir votre singulière attention, veuillez agréer,Excellence Monsieur le Gouverneur, l'expression de ma considération très distinguée.

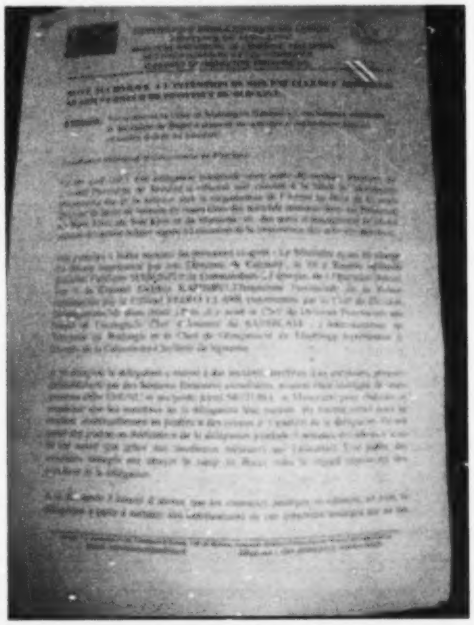
LE CHEF DE DIVISION PROVINCIALE DES MINES
Liete Tuta wa Tuta
Michel LIETE TUTA WA TUTA.
Chef de Division

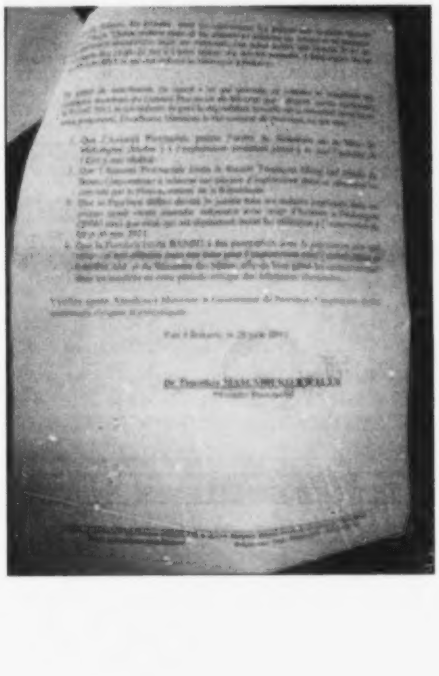
Avenue Patrice Emery Lumumba n° 16, Commune d'Ibanda

Annex 136

Report of a mission by mining authorities and security services to Mukungwe on 9 April 2011 finding that both Chunu Ntabala and Alexis Rubango use “uncontrolled” soldiers and militia combatants to undermine State authority

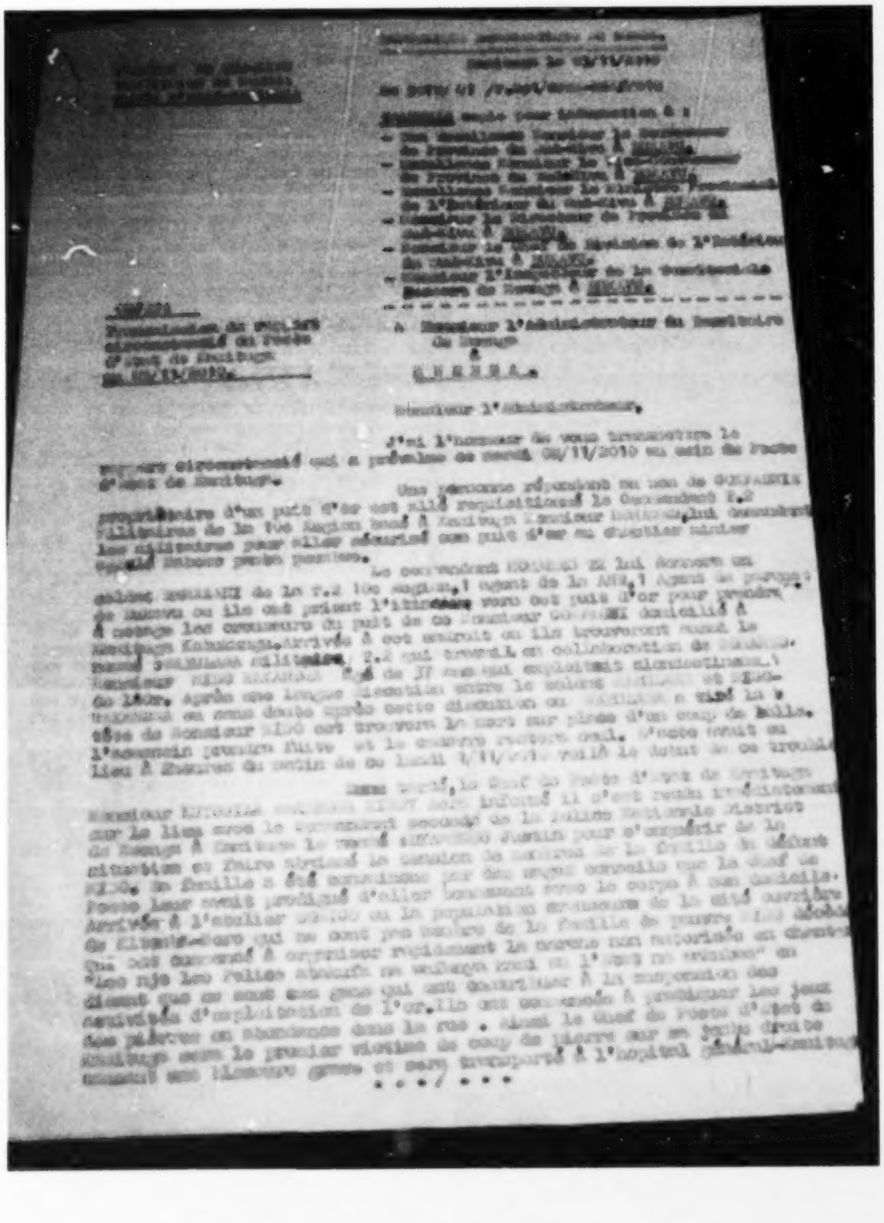


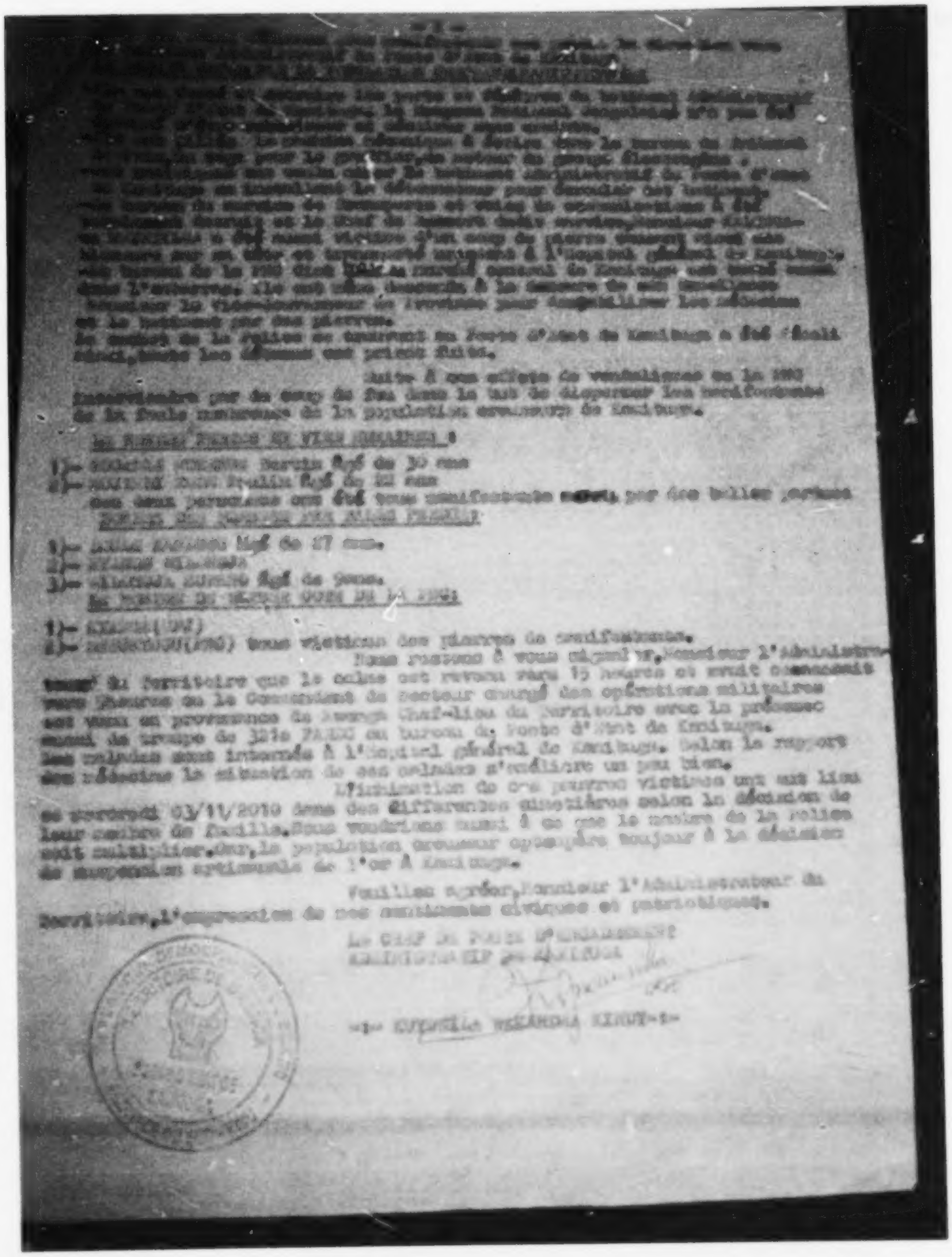




Annex 137

Report by the administrative chief of post of Kamituga concerning the murder of a digger, Miso Wakenda, by a FARDC officer, Wabulasa, and ensuing riots by the mining population, communicated on 3 November 2010





[illegible]

Suite à ces actes de vandalisme, la PNC est intervenue par des coups de feu dans le but de disperser les manifestants de la foule nombreuse de la population creuseurs de Kamituga.

Les PERSONNES PERDUES EN VIES HUMAINES :

1)- [illegible] Darwin âgé de 30 ans
2)- [illegible] âgé de 22 ans
ces deux personnes ont été tous manifestants tués par des balles perdues

[illegible] PAR BALLES PERDUES

1)- [illegible] âgé de 17 ans.
2)- [illegible]
3)- [illegible] âgé de 9ans.

[illegible]

1)- [illegible](PNC)
2)- [illegible](PNC) tous victimes des pierres de manifestants.

Nous restons à vous signaler, Monsieur l'Administrateur du Territoire que le calme est revenu vers 15 heures et avait commencé vers 12heures où le Commandant de Secteur chargé des opérations militaires est venu en provenance de Mwenga Chef-lieu du Territoire avec la présence aussi de troupe de 321e FARDC au bureau du Poste d'Etat de Kamituga. Les malades sont internés à l'Hôpital général de Kamituga. Selon le rapport des médecins la situation de ces malades s'améliore un peu bien.

L'inhumation de ces pauvres victimes ont eu lieu ce mercredi 03/11/2010 dans des différents cimetières selon la décision de leur membre de famille. Nous voudrions aussi à ce que le nombre de la Police soit multiplier. Car, la population creuseur [illegible] toujours à la décision de suspension artisanale de l'or à Kamituga.

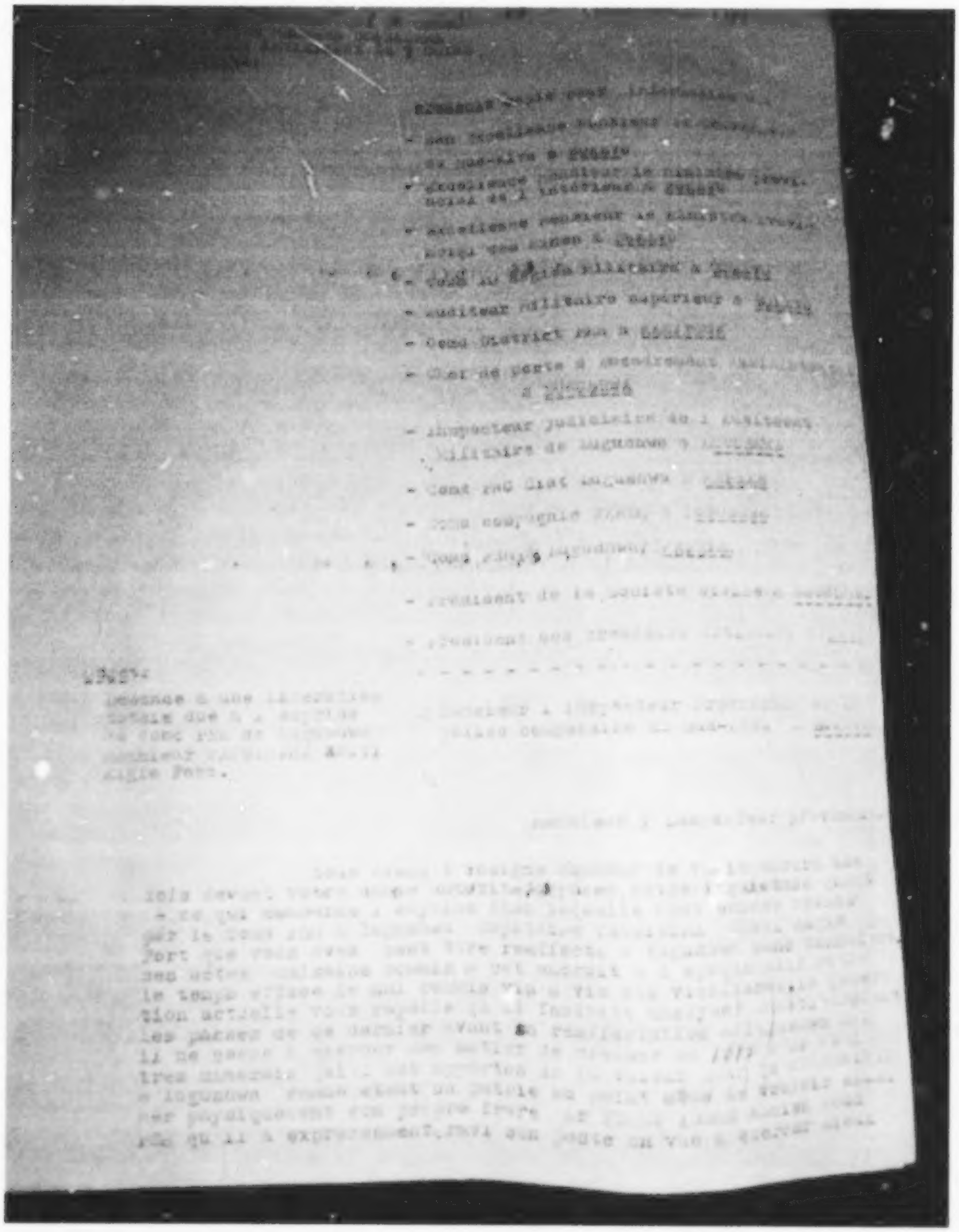
Veuillez agréer, Monsieur l'Administrateur du Territoire, l'expression de nos sentiments civiques et patriotiques.

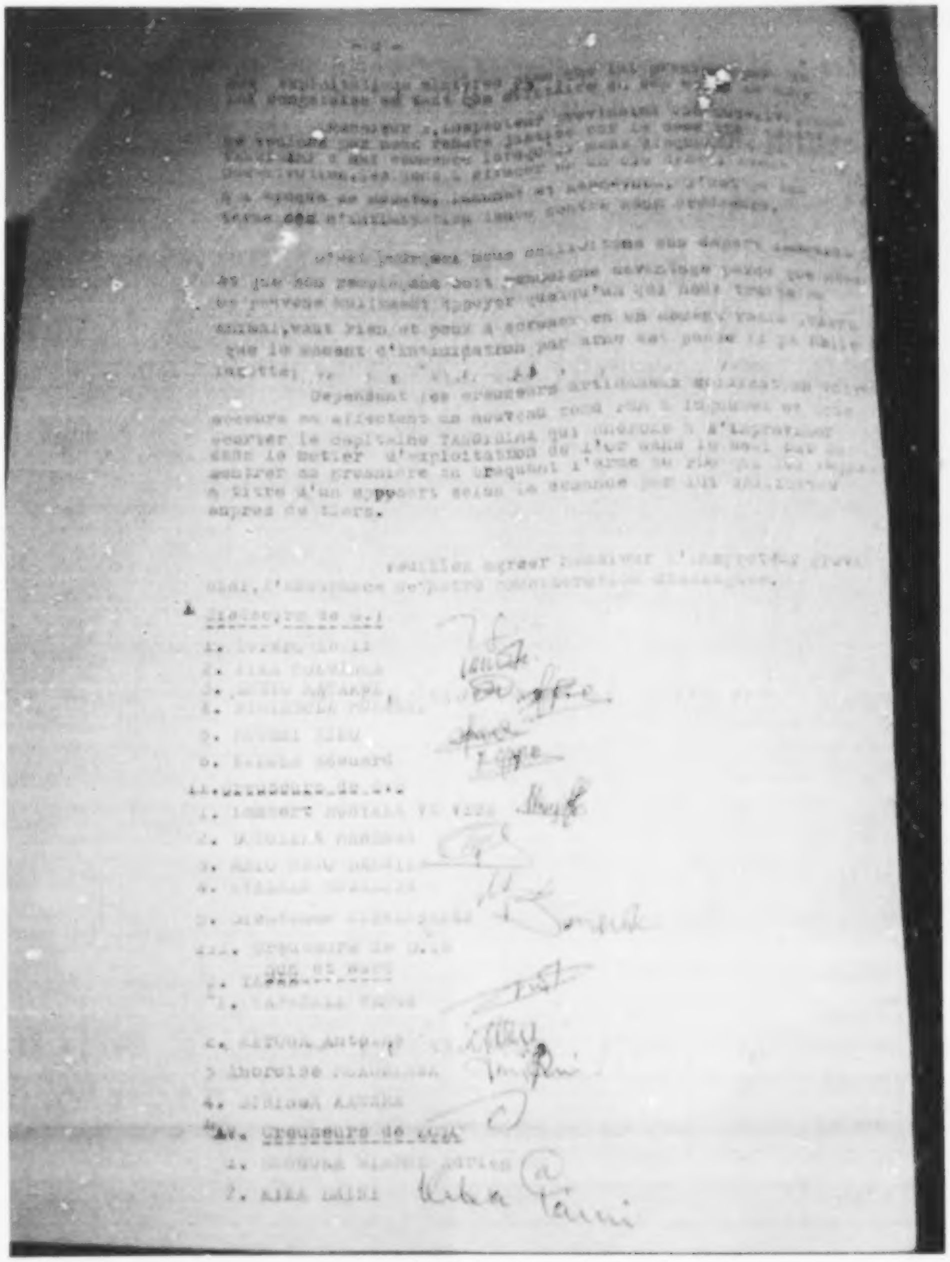
LE CHEF DE POSTE D'ENCADREMENT
ADMINISTRATIF DE KAMITUGA

-1- [illegible] -1-

Annex 138

Letter dated 13 May 2011 from diggers from all main sites in Lugushwa, calling upon the provincial police inspector in Bukavu to remove police commander Tangibima Agiti because of abuse of power





- 2 -

Cependant les creuseurs artisanaux [illegible]

[illegible] le capitaine TANGIRIMA qui [illegible]

dans le metier d'exploitation de l'or [illegible]

[illegible] a titre d'un rapport [illegible]

aupres de tiers.

Veuillez agreer [illegible]

I. [illegible]

II. [illegible]

1. Lambert [illegible]

III. [illegible]

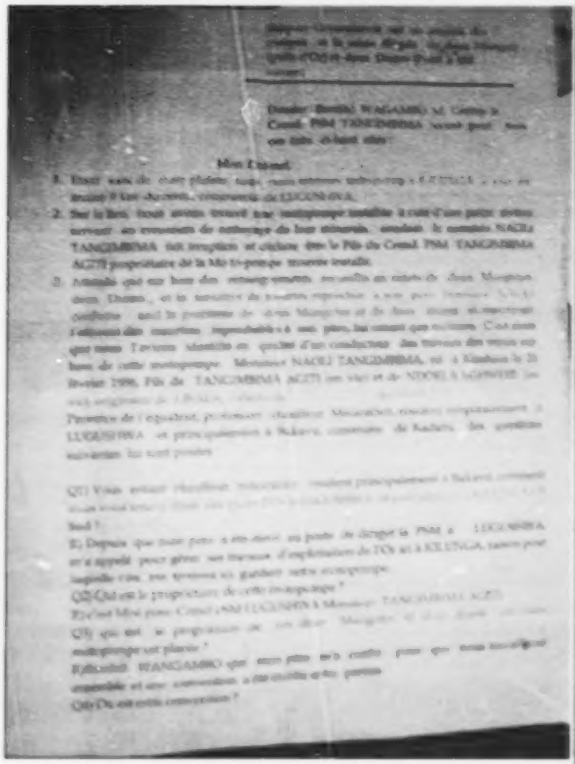
3. Ambroise [illegible]

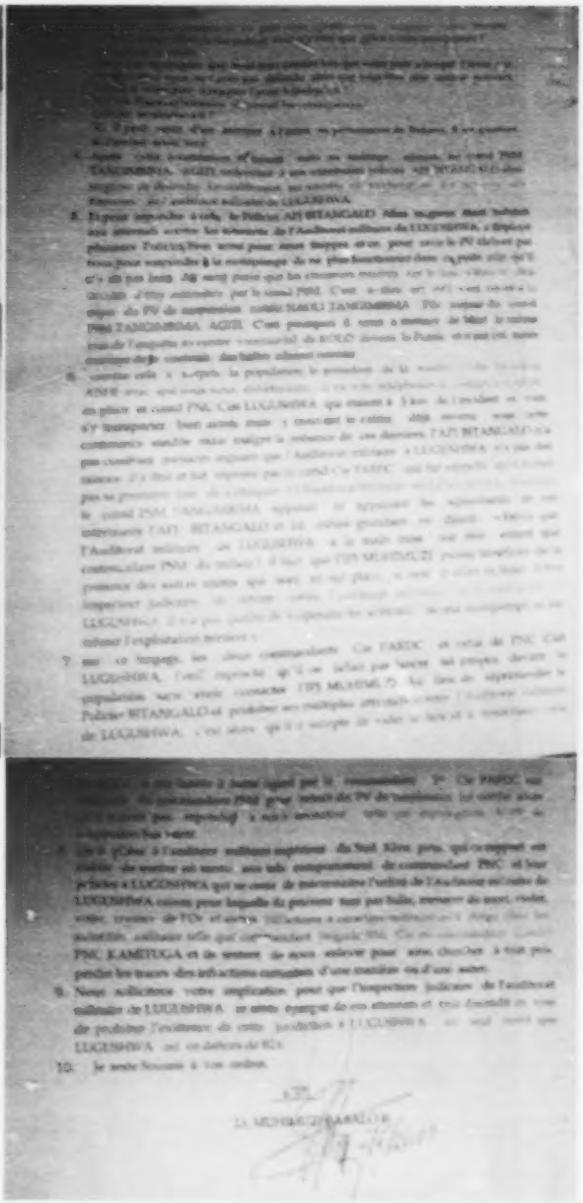
IV. Creuseurs de [illegible]

Kiba Taini

Annex 139

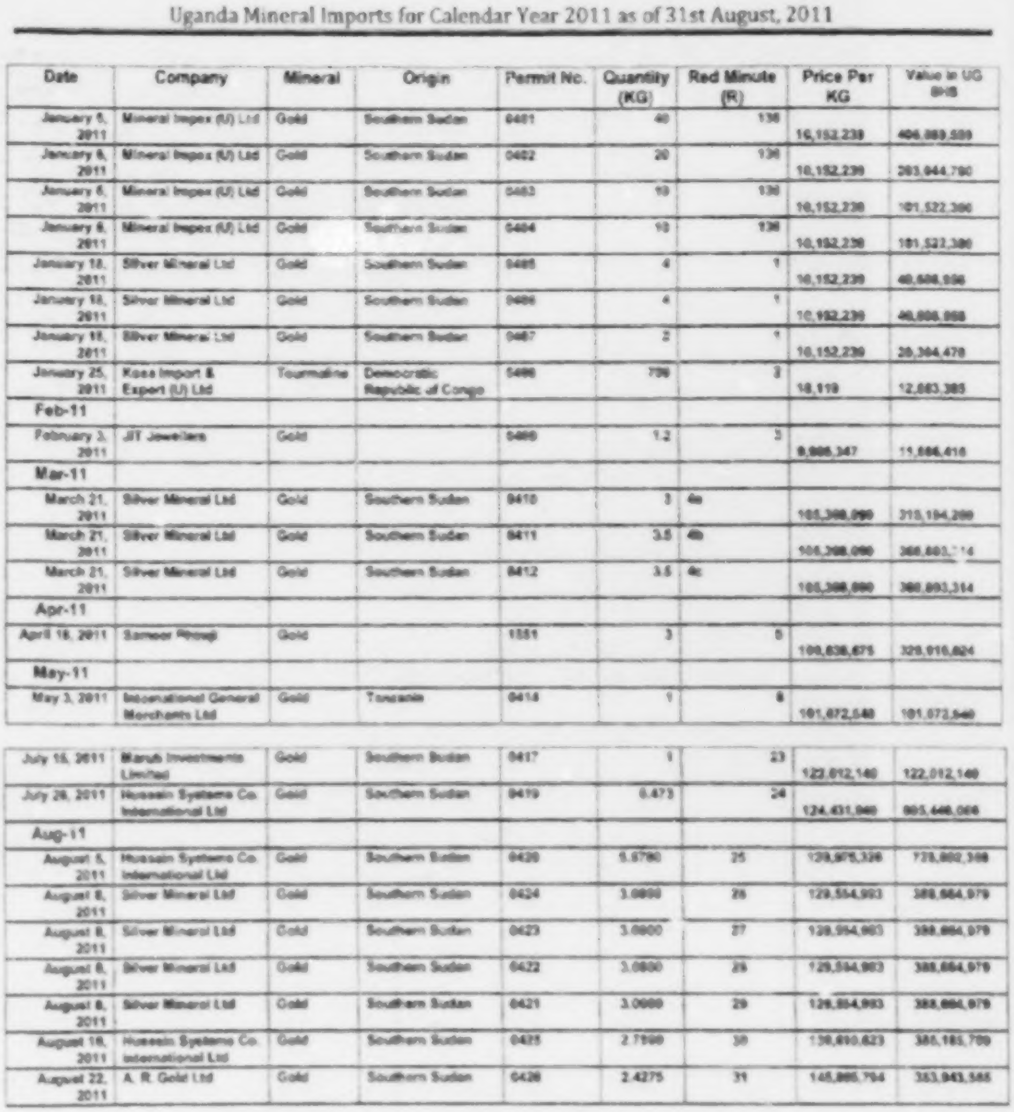
Report by a military justice officer accusing police Commander Tangibima Agiti of abuse of power and of making death threats against artisanal diggers





Annex 140

Ugandan mineral imports for 2011, as at 31 August 2011

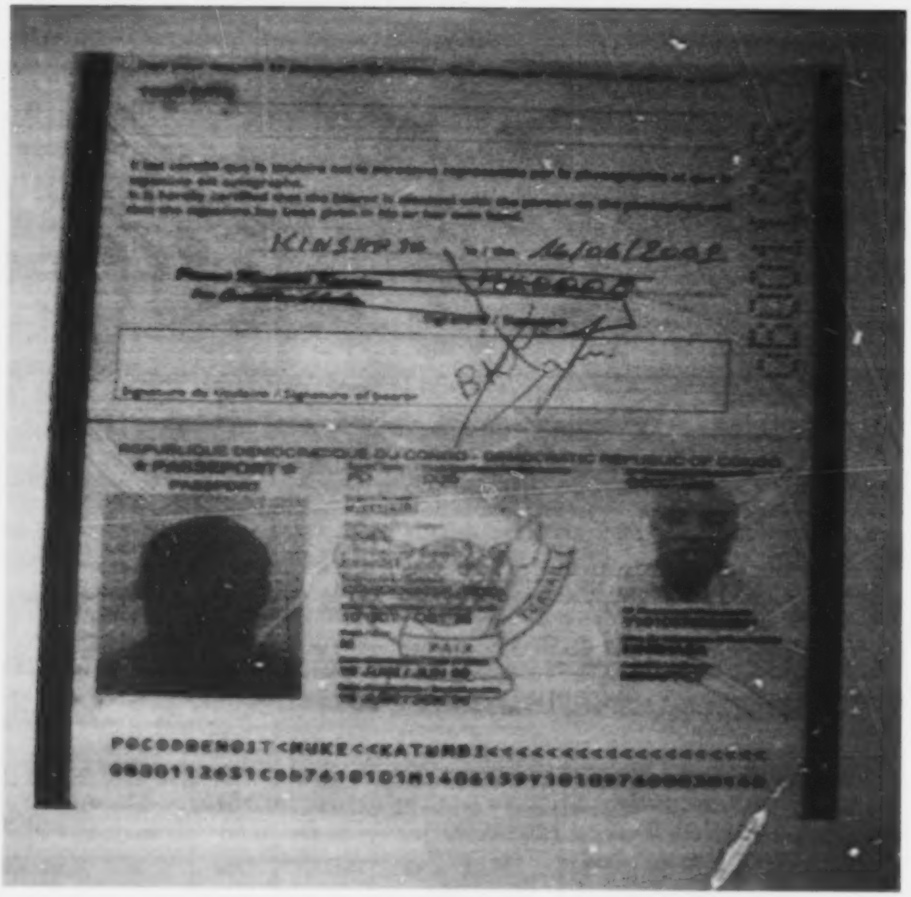


Uganda Mineral Imports for Calendar Year 2011 as of 31st August, 2011

Date	Company	Mineral	Origin	Permit No.	Quantity (KG)	Red Minute (R)	Price Per KG	Value in UG SHS
January 6, 2011	Mineral Impex (U) Ltd	Gold	Southern Sudan	0401	40	136	10,152,239	406,089,559
January 6, 2011	Mineral Impex (U) Ltd	Gold	Southern Sudan	0402	20	136	10,152,239	203,044,780
January 6, 2011	Mineral Impex (U) Ltd	Gold	Southern Sudan	0403	10	136	10,152,239	101,522,390
January 6, 2011	Mineral Impex (U) Ltd	Gold	Southern Sudan	0404	10	136	10,152,239	101,522,390
January 18, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0405	4	1	10,152,239	40,608,956
January 18, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0406	4	1	10,152,239	40,608,956
January 18, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0407	2	1	10,152,239	20,304,478
January 25, 2011	Kasa Import & Export (U) Ltd	Tourmaline	Democratic Republic of Congo	0408	709	3	18,119	12,883,385
Feb-11								
February 3, 2011	JIT Jewellers	Gold		0409	1.2	3	9,905,347	11,886,416
Mar-11								
March 21, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0410	3	4a	105,398,090	315,194,200
March 21, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0411	3.5	4b	105,398,090	368,893,314
March 21, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0412	3.5	4c	105,398,090	368,893,314
Apr-11								
April 18, 2011	Sameer Rhoaji	Gold		1551	3	5	109,638,675	328,916,024
May-11								
May 3, 2011	International General Merchants Ltd	Gold	Tanzania	0414	1	8	101,072,540	101,072,540
July 15, 2011	Marub Investments Limited	Gold	Southern Sudan	0417	1	23	122,012,140	122,012,140
July 28, 2011	Hussein Systems Co. International Ltd	Gold	Southern Sudan	0419	6.473	24	124,431,960	805,448,066
Aug-11								
August 5, 2011	Hussein Systems Co. International Ltd	Gold	Southern Sudan	0420	5.6780	25	128,975,326	725,802,308
August 8, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0424	3.0000	26	129,554,993	388,664,979
August 8, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0423	3.0000	27	129,554,993	388,664,979
August 8, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0422	3.0000	28	129,554,993	388,664,979
August 8, 2011	Silver Mineral Ltd	Gold	Southern Sudan	0421	3.0000	29	129,554,993	388,664,979
August 18, 2011	Hussein Systems Co. International Ltd	Gold	Southern Sudan	0425	2.7900	30	138,010,023	385,185,700
August 22, 2011	A. R. Gold Ltd	Gold	Southern Sudan	0426	2.4275	31	145,805,794	353,943,565

Annex 141

Passport of Kampala-based gold smuggler Benoit Katumbi



Signature du titulaire / Signature of bearer

REPUBLIQUE DEMOCRATIQUE DU CONGO - DEMOCRATIC REPUBLIC OF CONGO

★ PASSEPORT ★

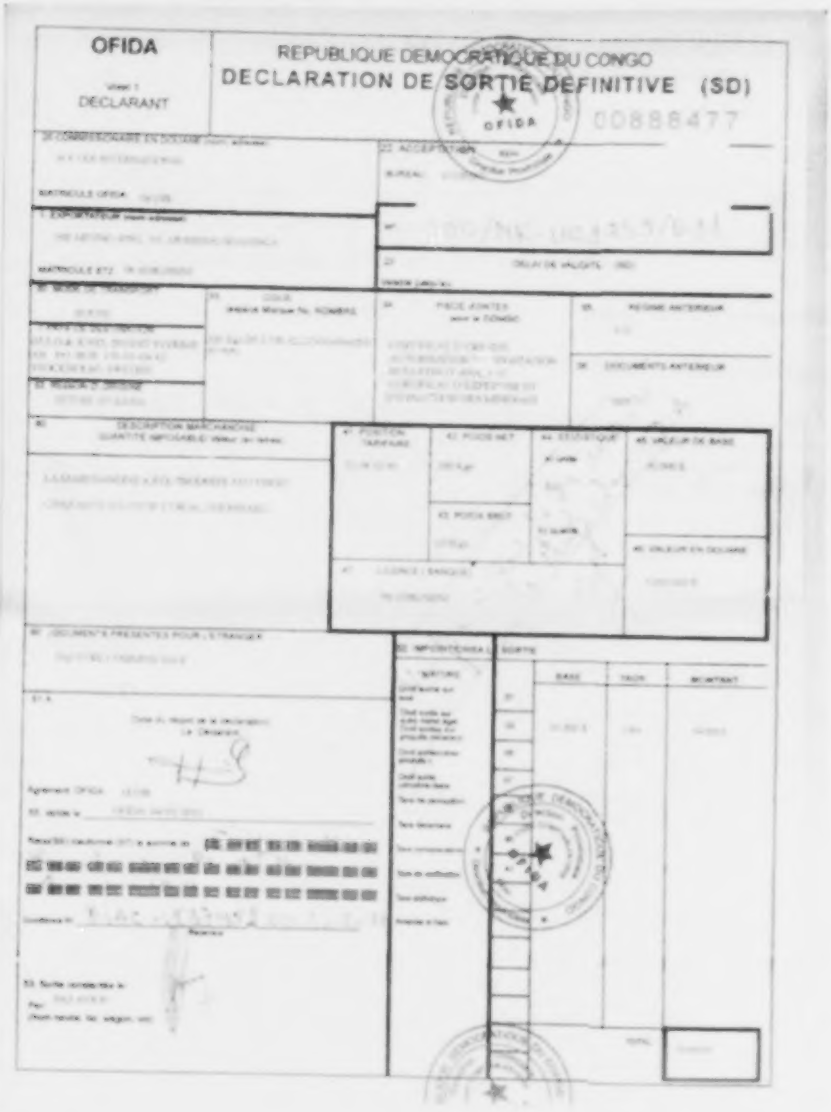
PASSPORT

PAIX

POCODBENOIT<MUKE<<KATUMBI<<<<<<<<<<<<<<<<<<<<<

Annex 142

Falsified Democratic Republic of the Congo customs declaration concerning 100 kg of gold exported from Beni to Sweden via Kampala



OFIDA

Volet 1
DECLARANT

REPUBLIQUE DEMOCRATIQUE DU CONGO
DECLARATION DE SORTIE DEFINITIVE (SD)

00888477

22 ACCEPTATION

BUREAU

40 DESCRIPTION MARCHANDISE

41 POSITION TARIFAIRE

42 POIDS NET

43 POIDS BRUT

45 VALEUR DE BASE

46 VALEUR EN DOUANE

36 DOCUMENTS ANTERIEUR

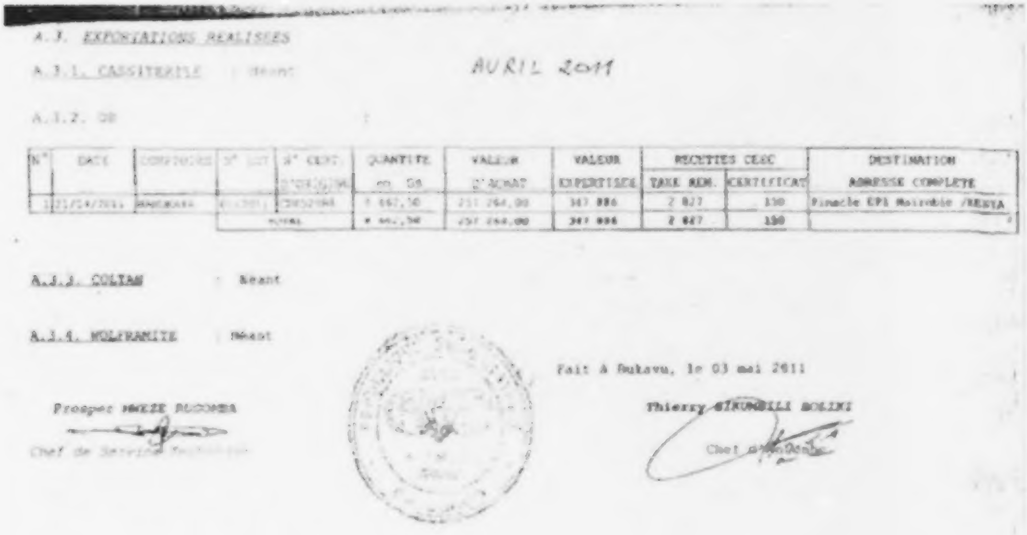
	BASE	TAUX	MONTANT

TOTAL

[redacted]

Annex 143

Centre d'évaluation, expertise et contrôle export document concerning a gold shipment from Namukaya to Pinnacle in the Export Processing Zone in Nairobi



A.3. EXPORTATIONS REALISEES

A.3.1. CASSITERITE : Néant

AVRIL 2011

A.3.2. OR :

N°	DATE	COMPTOIRS	N° LOT	N° CERT. D'ORIGINE	QUANTITE en Gr	VALEUR D'ACHAT	VALEUR EXPERTISEE	RECETTES CEEC		DESTINATION
								TAXE REM.	CERTIFICAT	ADRESSE COMPLETE
1	21/04/2011	NAMUKAYA	[illegible]	[illegible]	7 667,50	251 264,00	347 886	2 027	150	Pinacle EPZ Nairobie /KENYA
			TOTAL		[illegible]	257 264,00	347 886	2 027	150	

A.3.3. COLTAN : Néant

A.3.4. WOLFRAMITE : Néant

Fait à Bukavu, le 03 mai 2011

Prosper [illegible] BUGOMBA
Chef de Service Technique

Thierry [illegible] BOLINI
Chef d'Antenne

Annex 144

List of 15 names of gold traffickers submitted by the President of the Democratic Republic of the Congo, Joseph Kabila, to the President of Kenya, Mwai Kibaki, on 25 February 2011 in the context of the joint investigation into 2.5 tons of Congolese gold allegedly exported illegally through Nairobi

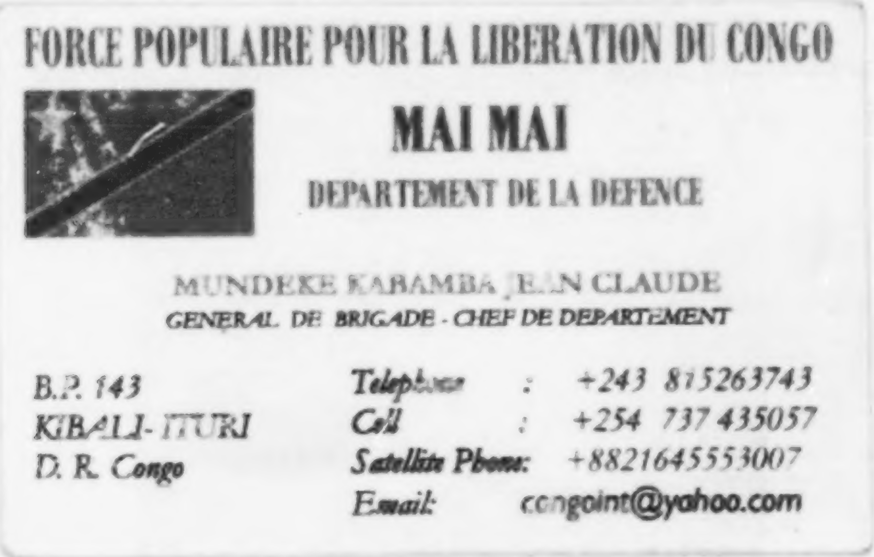
1. JOJO MANDIKI BIN LUYEYE
2. PASSY
3. MUNDEKE DAKO
4. PALUKU JEANE PIERRE
5. YOUSOUF (CAMEROONIAN)
6. JEAN-PIERRE
7. JEAN-CLAUDE
8. LOPEZ JOHN
9. MUTINDO JEAN-CLAUDE
10. BWABWA KAZADI EVARISTE
11. JERRY FUMBULA KIALA
12. SUMBU ROBERT ALIAS ROBA
13. KONGOLO ALIAS DOCTA
14. SIMON
15. ELISEE SOFAPAKA

Annex 145

Congolese passport used by Nairobi-based gold smuggler Paul Kobia, using the pseudonym "Ilunga Ngoy"

Annex 146

Business card of "General" Jean Claude Kabamba



FORCE POPULAIRE POUR LA LIBERATION DU CONGO

MAI MAI

DEPARTEMENT DE LA DEFENCE

MUNDEKE KABAMBA JEAN CLAUDE

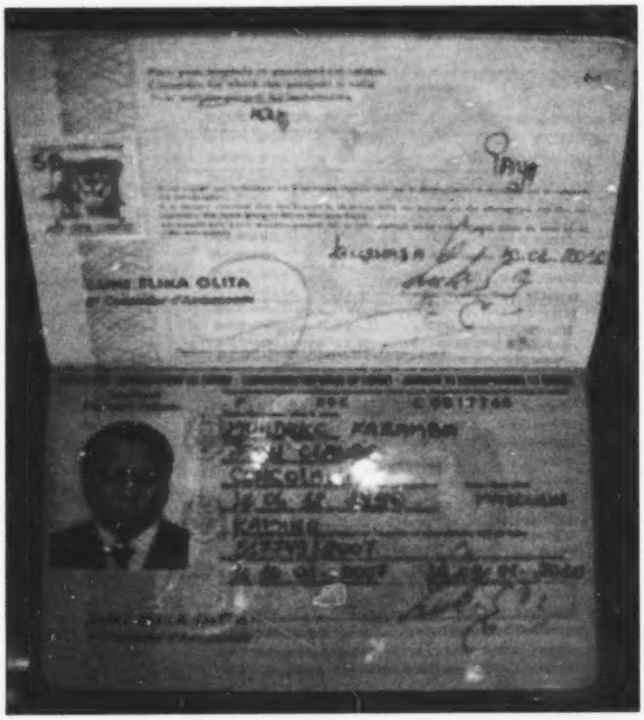
GENERAL DE BRIGADE - CHEF DE DEPARTEMENT

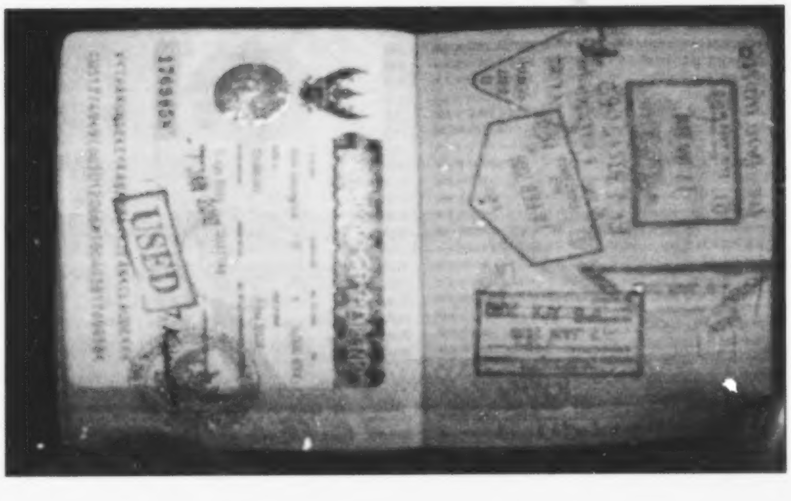
B.P. 143
KIBALI- ITURI
D. R. Congo

Telephone : *+243 815263743*
Cell : *+254 737 435057*
Satellite Phone: *+8821645553007*
Email: congoint@yahoo.com

Annex 147

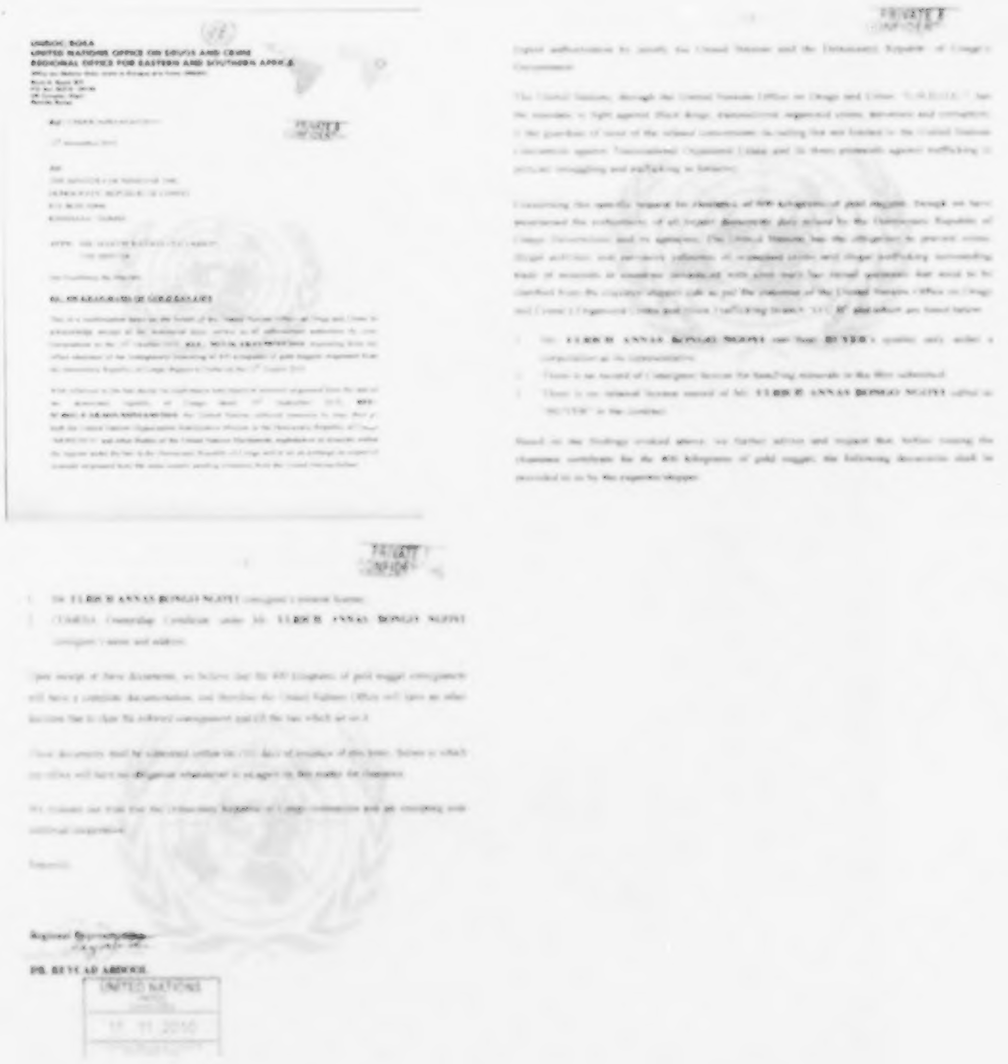
Passport of "General" Jean Claude Mundeke Kabamba, containing a visa for Thailand





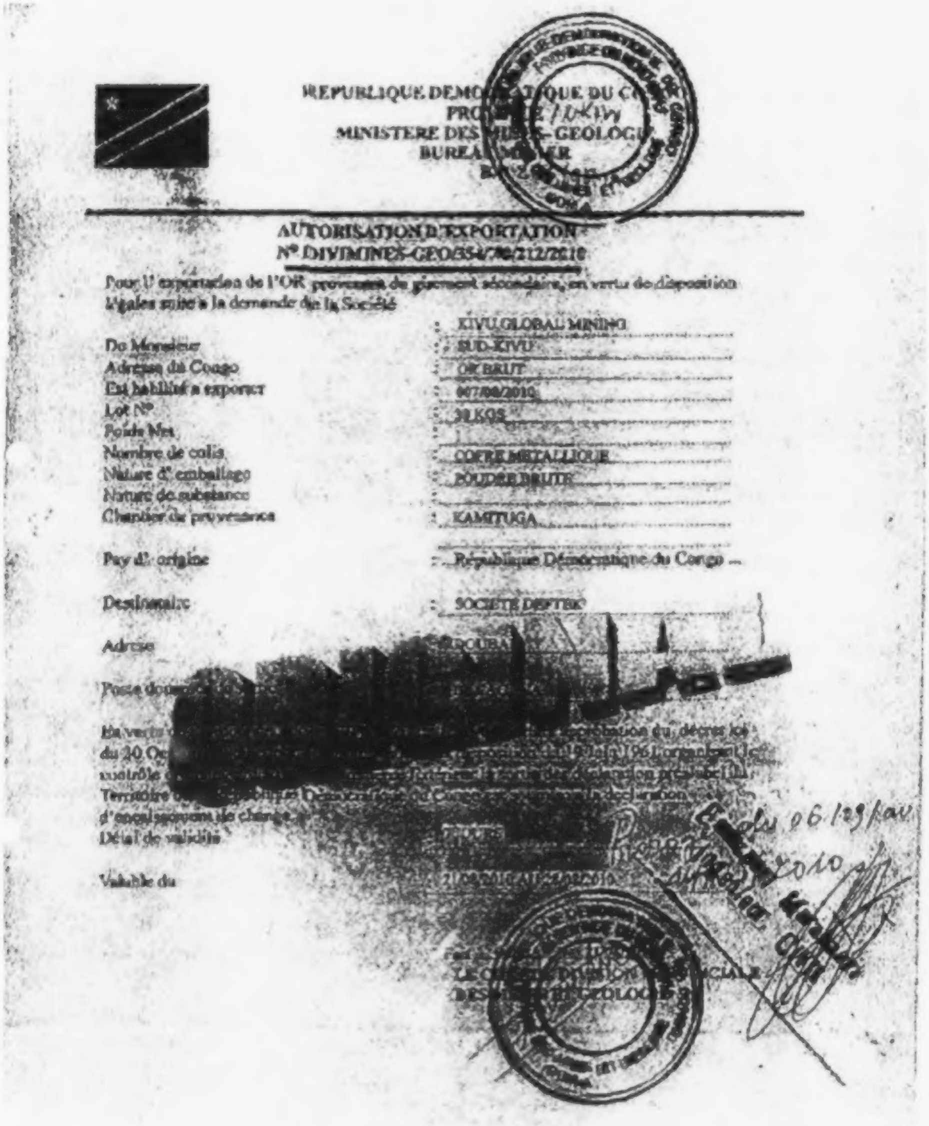
Annex 148

Fraudulent United Nations Office on Drugs and Crime documentation authorizing the export of 400 kg of gold



Annex 149

Document relating to 30 kg of gold offered by DEFTEK, a company registered in Senegal, supposedly transported through the Bunagana border post and sitting in a warehouse in Nairobi



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE [illegible] N-Kivu
MINISTERE DES MINES - GEOLOGIE
BUREAU MINIER
[illegible]

AUTORISATION D'EXPORTATION
Nº DIVIMINES-GEO/354/70/212/2010

Pour l'exportation de l'OR provenant du gisement secondaire, en vertu de disposition légales suite à la demande de la Société

	: KIVU GLOBAL MINING
De Monsieur	: SUD-KIVU
Adresse du Congo	: OR BRUT
Est habilité à exporter	: 007/08/2010
Lot Nº	: 30 KGS
Poids Net	: 1
Nombre de colis	: COFFRE METALLIQUE
Nature d' emballage	: POUDRE BRUTE
Nature de substance	:
Chantier de provenance	: KAMITUGA
Pay d' origine	: République Démocratique du Congo
Destinataire	: SOCIETE DEFTEK
Adresse	: DOUBA [redacted]
Poste douanier	: [redacted]

En vertu d[redacted] approbation du décret loi du 20 Oc[illegible] 196[illegible] organisant le contrôle [illegible] Territoire de la République Démocratique du Congo [illegible] déclaration [illegible] d'encaissement de change [illegible]

Délai de validité : [illegible] JOURS

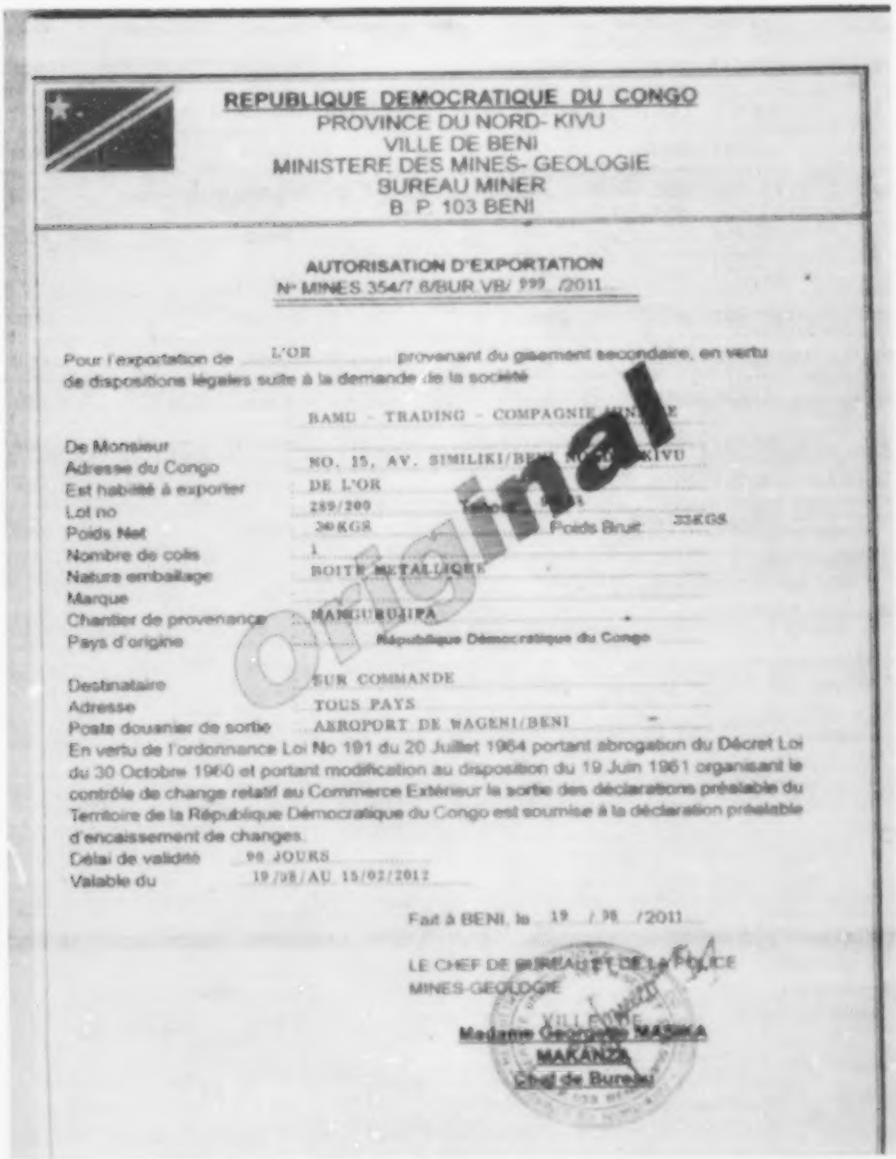
Valable du : 21/08/2010 AU 2[illegible]/08/2010

[illegible] 06/09 [illegible] 2010

LE CHEF DE DIVISION PROVINCIALE DES MINES ET GEOLOGIE

Annex 150

Document relating to 30 kg of gold offered by Bamu Trading, supposedly exported from Beni through the Kasindi border post into Uganda[a]



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD- KIVU
VILLE DE BENI
MINISTERE DES MINES- GEOLOGIE
BUREAU MINER
B P 103 BENI

AUTORISATION D'EXPORTATION
N° MINES 354/7 6/BUR VB/ 999 /2011

Pour l'exportation de L'OR provenant du gisement secondaire, en vertu de dispositions légales suite à la demande de la société

BAMU - TRADING - COMPAGNIE MINIERE

De Monsieur
Adresse du Congo NO. 15, AV. SIMILIKI/BENI NORD-KIVU
Est habilité à exporter DE L'OR
Lot no 289/200 Teneur [illegible]
Poids Net 30KGS Poids Brut 33KGS
Nombre de colis 1
Nature emballage BOITE METALLIQUE
Marque
Chantier de provenance MANGURUJIPA
Pays d'origine République Démocratique du Congo

Destinataire SUR COMMANDE
Adresse TOUS PAYS
Poste douanier de sortie AEROPORT DE WAGENI/BENI

En vertu de l'ordonnance Loi No 191 du 20 Juillet 1964 portant abrogation du Décret Loi du 30 Octobre 1960 et portant modification au disposition du 19 Juin 1961 organisant le contrôle de change relatif au Commerce Extérieur la sortie des déclarations préalable du Territoire de la République Démocratique du Congo est soumise à la déclaration préalable d'encaissement de changes.

Délai de validité 90 JOURS
Valable du 19/08/AU 15/02/2012

Fait à BENI, le 19 / 08 /2011

LE CHEF DE BUREAU ET DE LA POLICE
MINES-GEOLOGIE

Madame Georgette MASIKA
MAKANZA
Chef de Bureau

Original

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[a] The Company is not registered in North Kivu.

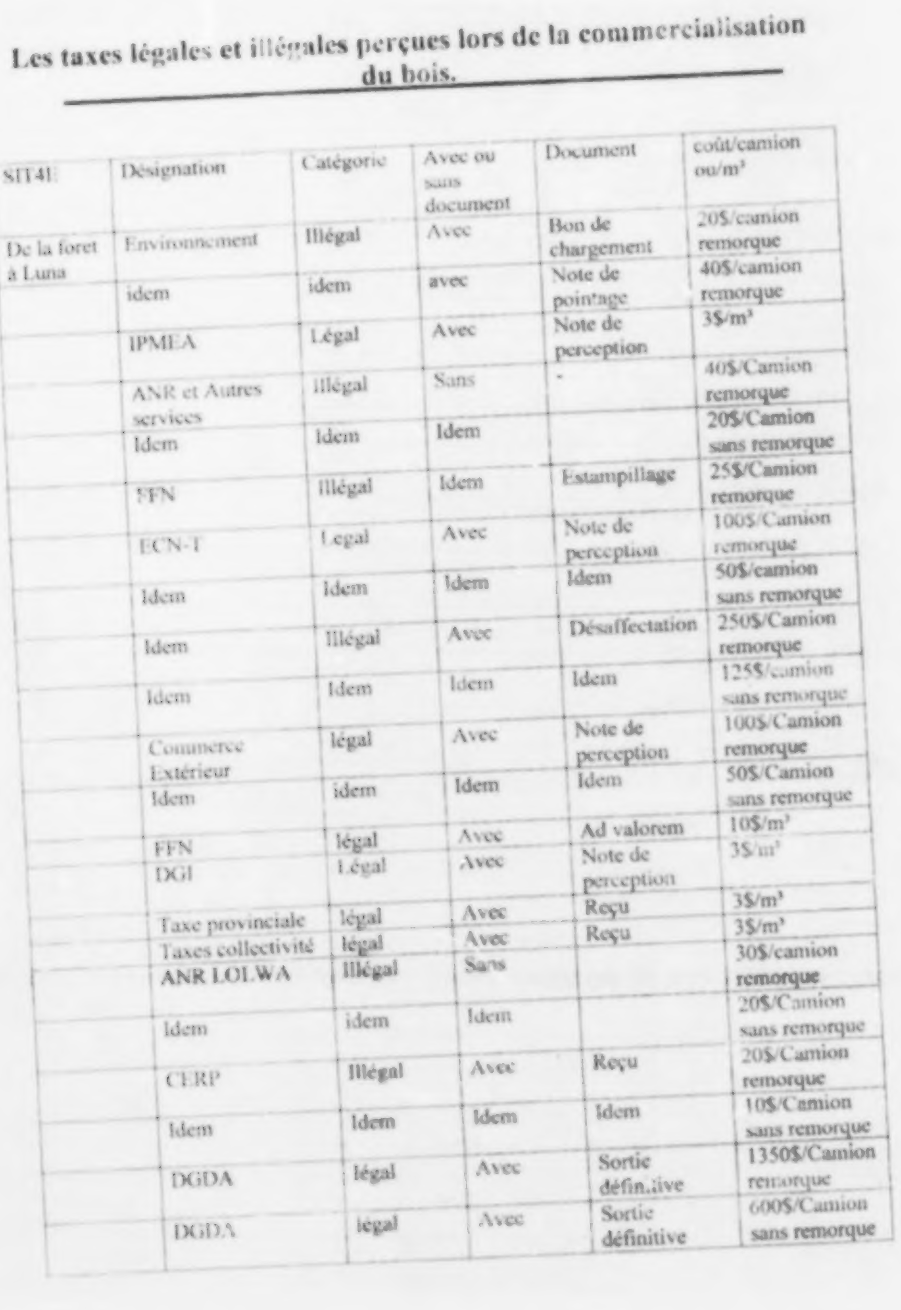
Annex 151

United Arab Emirates gold import statistics for 2009 and 2010 for selected countries in Africa

Import Weight(Kg)	Import Value(Dhs)	Year	Country(Arabic)	Country(English)	ISOCODE ALPHA	Numeric Code
11	1,124,610	2009	جمهورية الكونغو الديموقراطية	Democratic Republic of the Congo	COD	180
1	57,677	2010	بوروندي	Burundi	BDI	108
1	116,679	2010	جمهورية الكونغو الديموقراطية	Democratic Republic of the Congo	COD	180
1	88,693	2010	كينيا	Kenya	KEN	404
218	21,823,787	2009	جمهورية الكونغو الديموقراطية	Democratic Republic of the Congo	COD	180
1,772	182,980,169	2009	كينيا	Kenya	KEN	404
1,633	165,223,653	2009	أوغندا	Uganda	UGA	800
404	50,281,631	2010	بوروندي	Burundi	BDI	108
156	19,053,196	2010	جمهورية الكونغو الديموقراطية	Democratic Republic of the Congo	COD	180
3,361	379,754,696	2010	كينيا	Kenya	KEN	404
3,366	405,900,525	2010	أوغندا	Uganda	UGA	800
4	470,753	2009	كينيا	Kenya	KEN	404
27	2,828,487	2010	كينيا	Kenya	KEN	404

Annex 152

List of legal and illegal taxes levied on timber from Mambasa to Kasindi, according to an association of timber operators



Les taxes légales et illégales perçues lors de la commercialisation du bois.

SIT4E	Désignation	Catégorie	Avec ou sans document	Document	coût/camion ou/m^3
De la foret à Luna	Environnement	Illégal	Avec	Bon de chargement	20$/camion remorque
	idem	idem	avec	Note de pointage	40$/camion remorque
	IPMEA	Légal	Avec	Note de perception	3$/$m^3$
	ANR et Autres services	Illégal	Sans	-	40$/Camion remorque
	Idem	Idem	Idem		20$/Camion sans remorque
	FFN	Illégal	Idem	Estampillage	25$/Camion remorque
	ECN-T	Legal	Avec	Note de perception	100$/Camion remorque
	Idem	Idem	Idem	Idem	50$/camion sans remorque
	Idem	Illégal	Avec	Désaffectation	250$/Camion remorque
	Idem	Idem	Idem	Idem	125$/camion sans remorque
	Commerce Extérieur	légal	Avec	Note de perception	100$/Camion remorque
	Idem	idem	Idem	Idem	50$/Camion sans remorque
	FFN	légal	Avec	Ad valorem	10$/$m^3$
	DGI	Légal	Avec	Note de perception	3$/$m^3$
	Taxe provinciale	légal	Avec	Reçu	3$/$m^3$
	Taxes collectivité	légal	Avec	Reçu	3$/$m^3$
	ANR LOLWA	Illégal	Sans		30$/camion remorque
	Idem	idem	Idem		20$/Camion sans remorque
	CERP	Illégal	Avec	Reçu	20$/Camion remorque
	Idem	Idem	Idem	Idem	10$/Camion sans remorque
	DGDA	légal	Avec	Sortie définitive	1350$/Camion remorque
	DGDA	légal	Avec	Sortie définitive	600$/Camion sans remorque

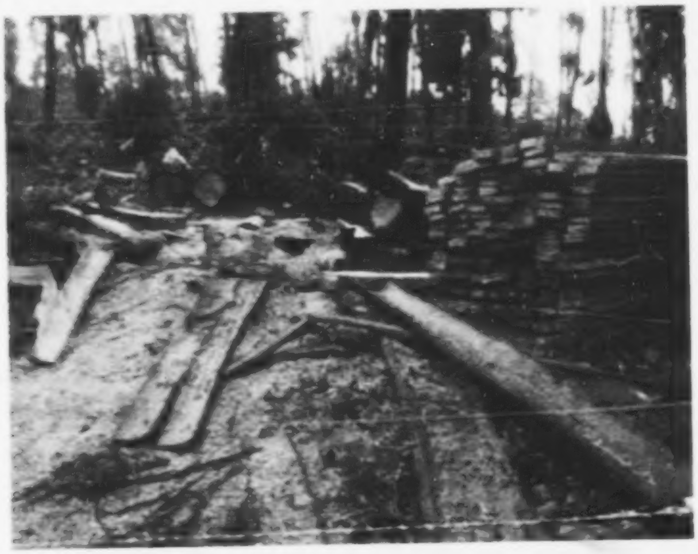
	OCC	Légal	Avec	Reçu	300$/Camion remorque
	Idem	Idem	Idem	Idem	150$/Camion sans remorque
	Autres services de l'Etat LUNA	Illégal	Sans		110$/Camion remorque
	Idem	idem	Idem		55$/Camion Sans remorque
De LUNA au T.C.B	Services de l'Etat à KIKANDA	Illégal	Sans		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	Service de l'Etat au T.C.B	Illégal	Sans	-	100$/Camion remorque
	Idem	Idem	Idem		50$/Camion sans remorque
	Parking	légal	Avec	Reçu	40$/Camion remorque
De T.C.B à KASINDI	Militaire/Semuliki	Illégal	Sans		10$/Camion remorque
	Idem	Idem	Idem		5$/camion sans remorque
	Militrire/Bulongo	Idem	idem		10$/Camion remorque
	Idem	idem	Idem		5$/Camion sans remorque
	Suivi :				
	DGDA	Illégal	Sans		70$/Camion remorque
	Idem	Idem	Idem		35$/Camion sans remorque
	ANR	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	Police des frontières	Idem	Idem		10$/Camion remorque
	idem	Idem	Idem		5$/Camion remorque
	Police des mines	idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	DGR/NK	idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	FFN	Idem	Idem		10$/Camion remorque

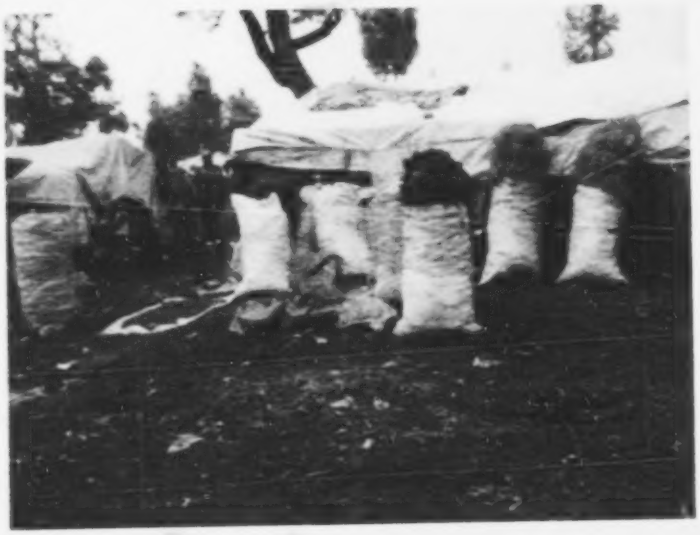
	FFN	illégal	Sans		5$/Camion sans remorque
	Commerce Extérieur	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	IPMEA	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	DGM	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	BUREAU 2	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	DMIAP	Idem	Idem		10$/Camion remorque
	Idem	Idem	Idem		5$/Camion sans remorque
	TD REGION	Idem	Idem		10$/Camion remorque
	Idem	idem	Idem		5$/Camion sans remorque

ANR = Agence National de Renseignements
IPMEA = Industrie petite et moyenne entreprise.
FFN = Fond Forestier National.
ECN-T = Environnement Conservation de la Nature et Touri
DGI = Direction Generale des Impots.
DGDA = Direction Generale des Douanes et assises
OCC = Office Congolais du controle.
TCB = Terminal Conteiner de Beni
DGM = Direction Generale de Migrations
Bureau 2 = (militaire)
DMIAP = (militaire)
TDRegion = militaire
DGRNK = Direction Generale des Recettes au
Nord-Kivu.

Annex 153

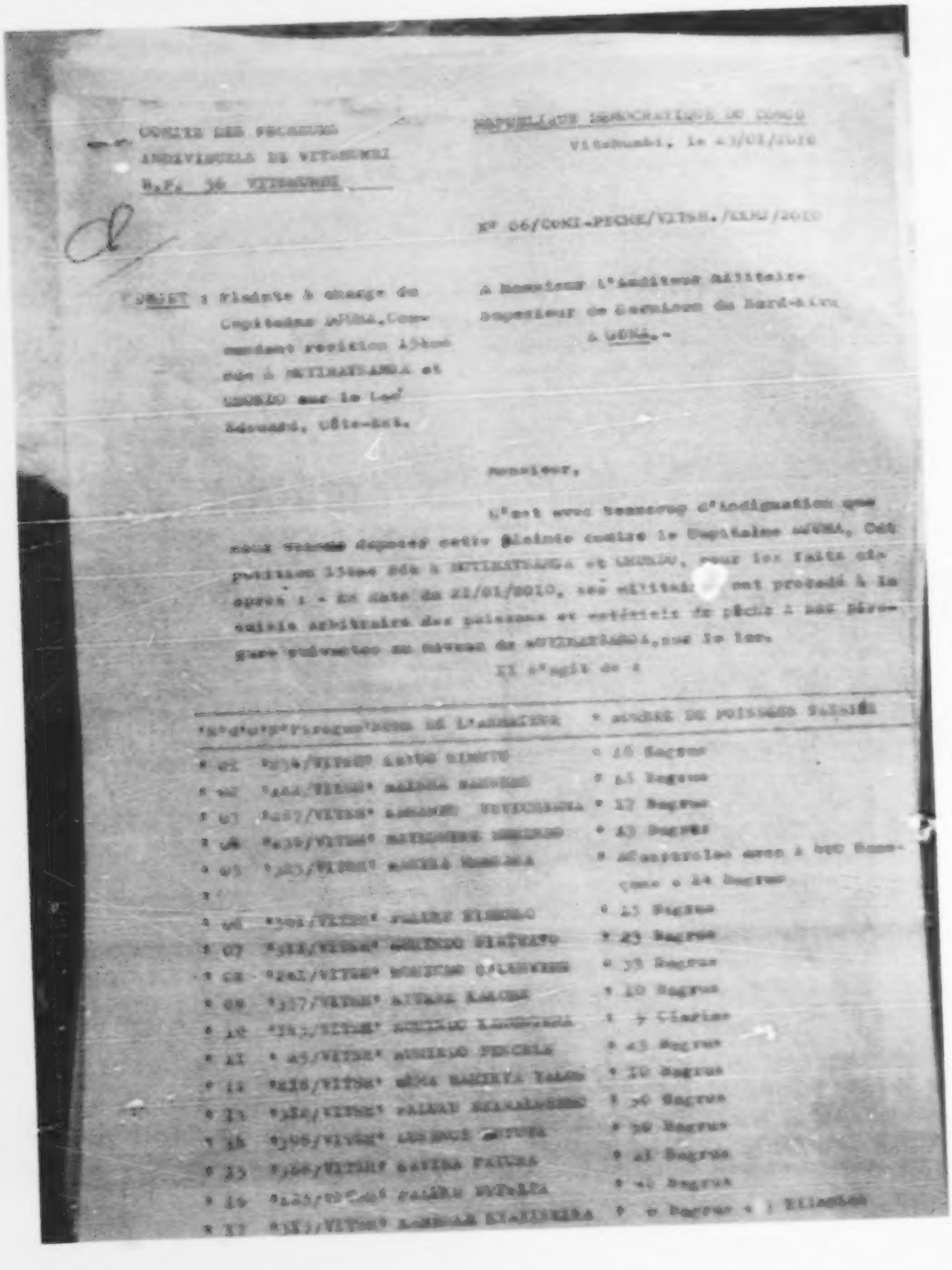
Photographs of timber and charcoal exploitation at Tebero village and Bwiza settlement at the edge of Virunga National Park in Masisi, where Colonel Zimurinda levies tax





Annex 154

Official fishing cooperative document denouncing illegal fishing and FARDC involvement



COMITE DES PECHEURS
INDIVIDUELS DE VITSHUMBI
B.P. 36 VITSHUMBI

REPUBLIQUE DEMOCRATIQUE DU CONGO
Vitshumbi, le 23/01/2010

N° 06/COMI-PECHE/VITSH./[illegible]/2010

OBJET : Plainte à charge du Capitaine [illegible], Commandant position 13ème Sde à [illegible] et [illegible] sur le Lac Edouard, Côte-Est.

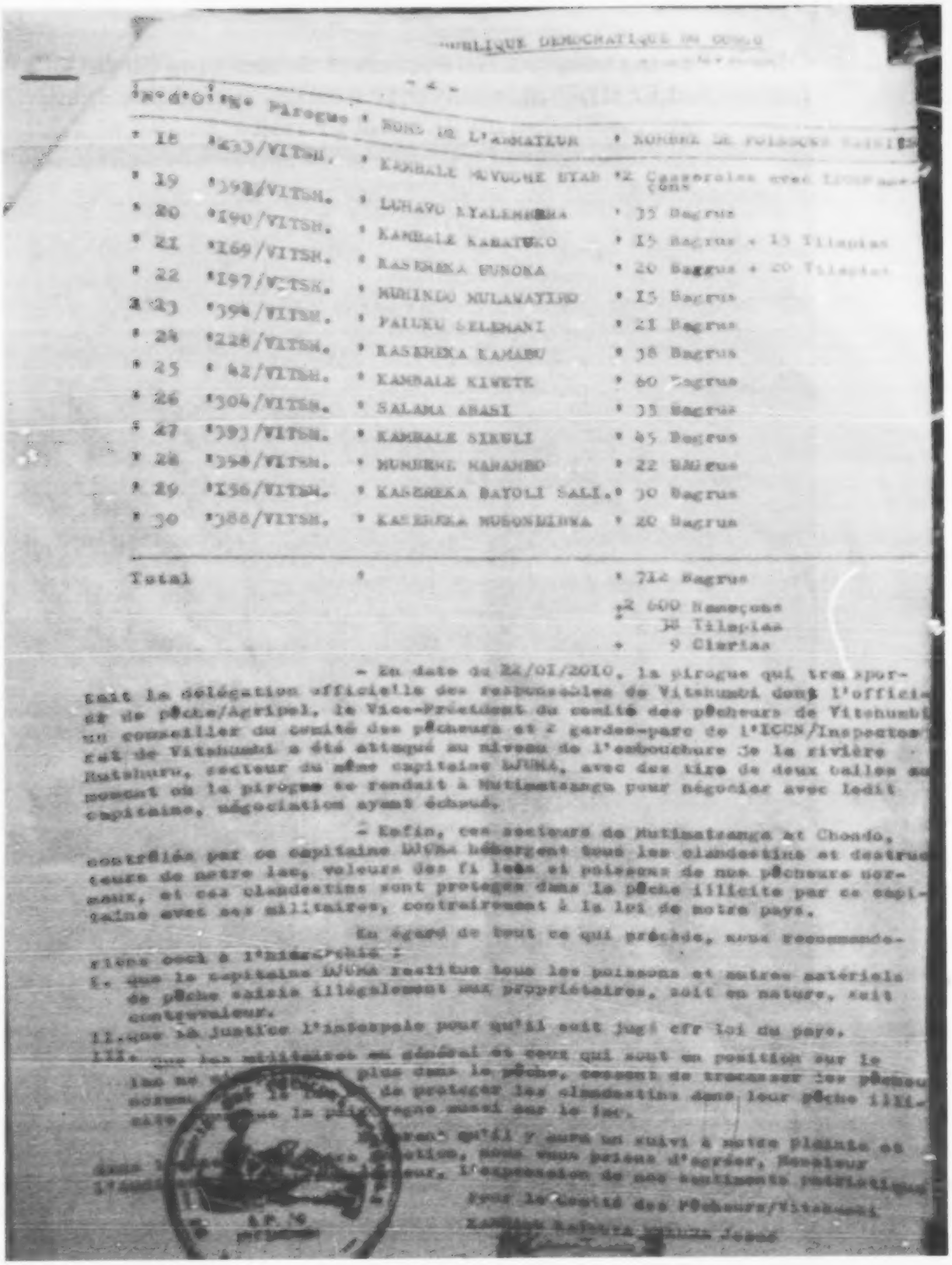
A Monsieur l'Auditeur Militaire Supérieur de Garnison du Nord-Kivu à GOMA.-

Monsieur,

C'est avec beaucoup d'indignation que nous venons déposer cette plainte contre le Capitaine [illegible], Cdt position 13ème Sde à [illegible] et [illegible], pour les faits ci-après : - En date du 21/01/2010, ses militaires ont procédé à la saisie arbitraire des poissons et matériels de pêche à nos pirogues suivantes au niveau de [illegible], sur le lac.

Il s'agit de :

N° d'O	N° Pirogue	NOM DE L'ARMATEUR	NOMBRE DE POISSONS SAISIES
01	[illegible]/VITSH	[illegible]	16 Bagrus
02	[illegible]/VITSH	[illegible]	15 Bagrus
03	[illegible]/VITSH	[illegible]	17 Bagrus
04	[illegible]/VITSH	[illegible]	43 Bagrus
05	[illegible]/VITSH	[illegible]	[illegible] · 24 Bagrus
06	[illegible]/VITSH	[illegible]	15 Bagrus
07	[illegible]/VITSH	[illegible]	23 Bagrus
08	[illegible]/VITSH	[illegible]	33 Bagrus
09	[illegible]/VITSH	[illegible]	10 Bagrus
10	[illegible]/VITSH	[illegible]	5 Tilapias
11	45/VITSH	[illegible]	43 Bagrus
12	[illegible]/VITSH	[illegible]	10 Bagrus
13	[illegible]/VITSH	[illegible]	[illegible] Bagrus
14	[illegible]/VITSH	[illegible]	[illegible] Bagrus
15	[illegible]/VITSH	[illegible]	[illegible] Bagrus
16	[illegible]/VITSH	[illegible]	[illegible] Bagrus
17	[illegible]/VITSH	[illegible]	[illegible] Bagrus + [illegible] Tilapias



UBLIQUE DEMOCRATIQUE DU CONGO

- 2 -

N° d'Ordre	N° Pirogue	NOMS DE L'ARMATEUR	NOMBRE DE POISSONS SAISIS
18	433/VITSH.	KAMBALE MUVUGHE BYAB	2 Casseroles avec [illegible] hameçons
19	398/VITSH.	LUHAVO KYALEMBERA	35 Bagrus
20	190/VITSH.	KAMBALE KABATUKO	15 Bagrus + 15 Tilapias
21	169/VITSH.	KASEREKA BUNOKA	20 Bagrus + 20 Tilapias
22	197/VITSH.	MUHINDO MULAMAYIRO	15 Bagrus
23	394/VITSH.	PALUKU SELEMANI	21 Bagrus
24	228/VITSH.	KASEREKA KAMABU	38 Bagrus
25	42/VITSH.	KAMBALE KIWETE	60 Bagrus
26	304/VITSH.	SALAMA ABASI	35 Bagrus
27	393/VITSH.	KAMBALE SIKULI	45 Bagrus
28	358/VITSH.	MUMBERE MARAMBO	22 Bagrus
29	156/VITSH.	KASEREKA BAYOLI SALI.	30 Bagrus
30	388/VITSH.	KASEREKA MUSONDIRWA	20 Bagrus
Total			714 Bagrus 2 600 Hameçons 38 Tilapias 9 Clarias

- En date du 22/01/2010, la pirogue qui transportait la délégation officielle des responsables de Vitshumbi dont l'officier de pêche/Agripel, le Vice-Président du comité des pêcheurs de Vitshumbi, un conseiller du comité des pêcheurs et 2 gardes-parc de l'ICCN/Inspectorat de Vitshumbi a été attaqué au niveau de l'embouchure de la rivière Rutshuru, secteur du même capitaine DJUMA, avec des tirs de deux balles au moment où la pirogue se rendait à Mutimatsanga pour négocier avec ledit capitaine, négociation ayant échoué.

- Enfin, ces secteurs de Mutimatsanga et Chondo, contrôlés par ce capitaine DJUMA hébergent tous les clandestins et destructeurs de notre lac, voleurs des filets et poissons de nos pêcheurs normaux, et ces clandestins sont proteges dans la pêche illicite par ce capitaine avec ses militaires, contrairement à la loi de notre pays.

Eu égard de tout ce qui précède, nous recommanderions ceci à l'hiérarchie :

I. que le capitaine DJUMA restitue tous les poissons et autres matériels de pêche saisis illégalement aux propriétaires, soit en nature, soit contrevaleur.

II. que la justice l'interpele pour qu'il soit jugé cfr loi du pays.

III. que les militaires en général et ceux qui sont en position sur le lac ne [illegible] plus dans la pêche, cessent de tracasser les pêcheurs normaux [illegible] de proteger les clandestins dans leur pêche illicite [illegible] la [illegible] aussi sur le lac.

[illegible] qu'il y aura un suivi à notre plainte et dans [illegible] attention, nous vous prions d'agréer, Monsieur l'[illegible], l'expression de nos sentiments patriotiques.

Pour le Comité des Pêcheurs/Vitshumbi

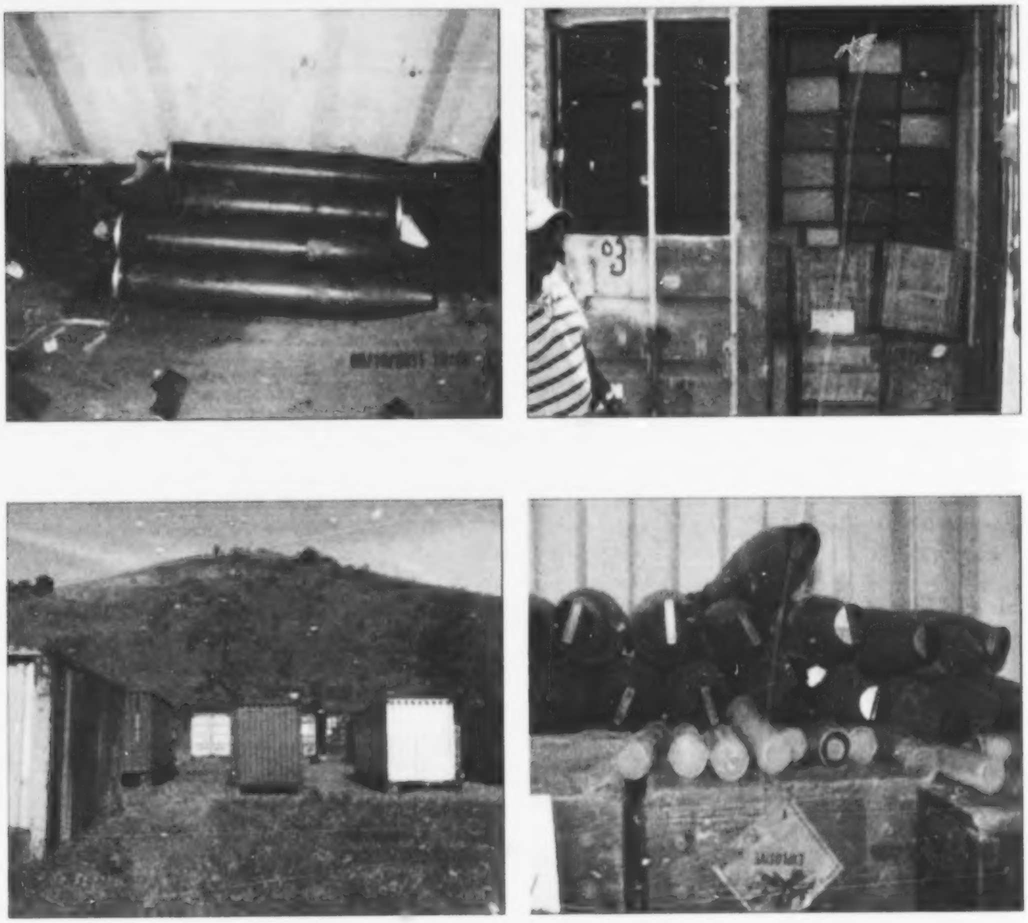
KAMBALE [illegible] Josué

Annex 155

FARDC-issued boots found in the possession of FDLR near a FARDC training centre at Kananda

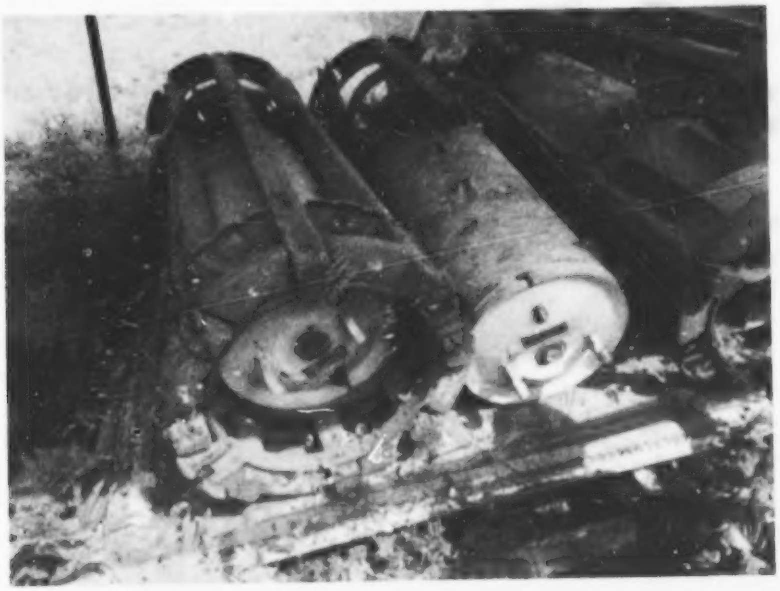
Annex 156

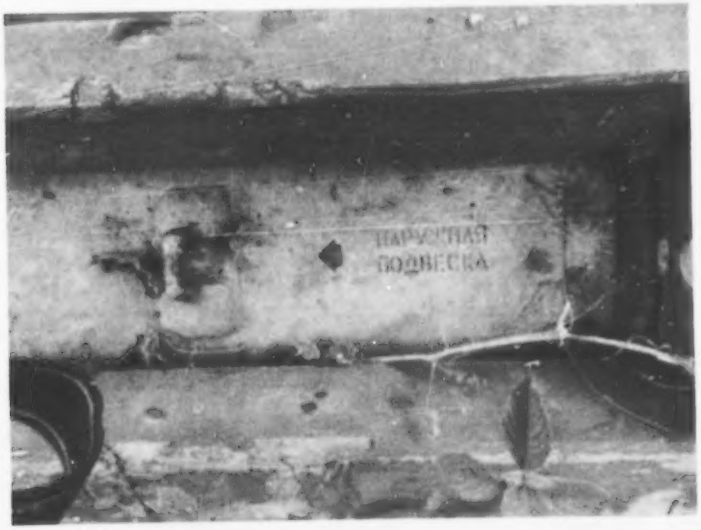
Photographs of ammunition stored in 17 containers near the port of Goma, on Lake Kivu, showing the condition of the overpacked containers and the lack of ventilation



Annex 157

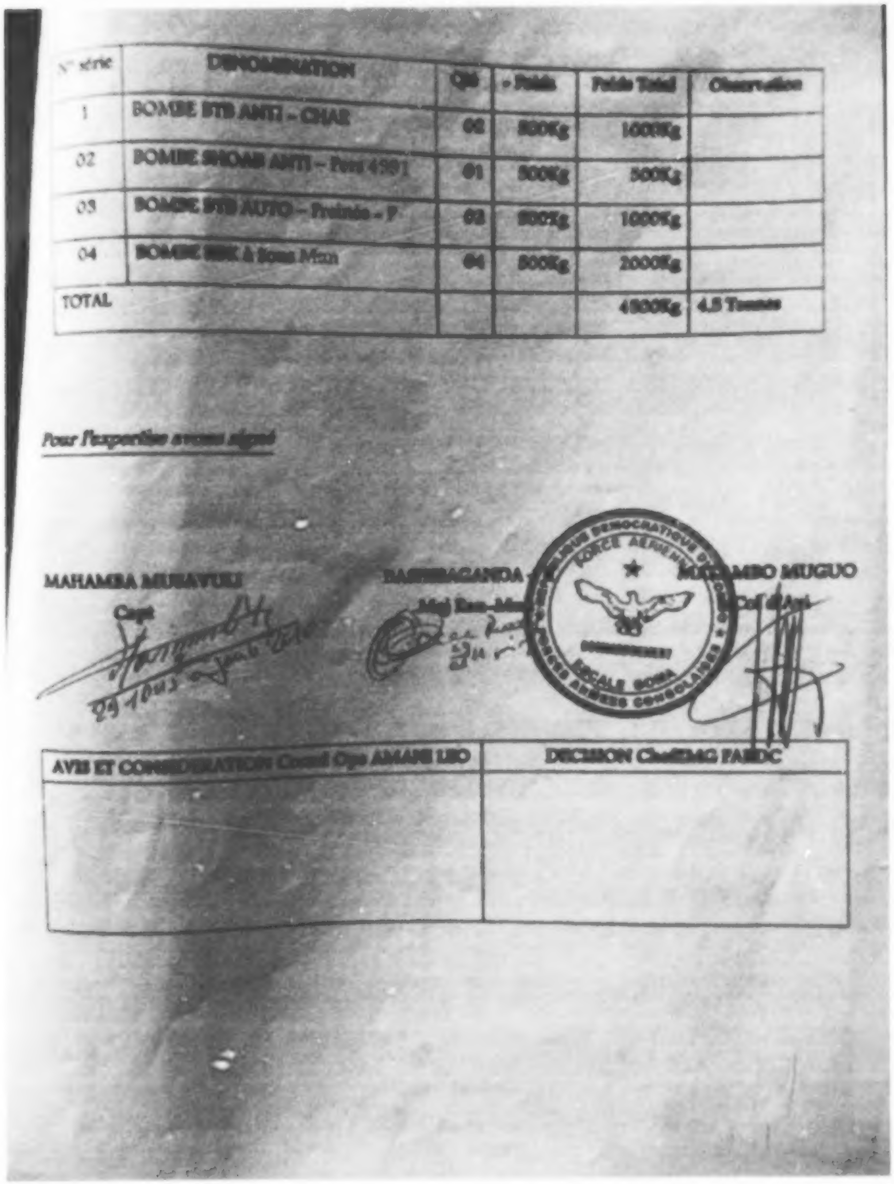
Photographs showing bombs lying in the open at Goma airport in a dilapidated condition





Annex 158

A proposal dated January 2011 calling for the destruction of bombs at Goma airport



N° série	DENOMINATION	Qté	Poids	Poids Total	Observation
1	BOMBE BTB ANTI – CHAR	02	500Kg	1000Kg	
02	BOMBE SHOAB ANTI – Pers 4591	01	500Kg	500Kg	
03	BOMBE BTB AUTO – Freinée – F	02	500Kg	1000Kg	
04	BOMBE RBK à Sous Mun	04	500Kg	2000Kg	
TOTAL				4500Kg	4.5 Tonnes

Pour l'expertise avons signé

MAHAMBA MUSAVULI
Capt
29/01/11

BASHIBAGANDA
Maj Ren-Mun

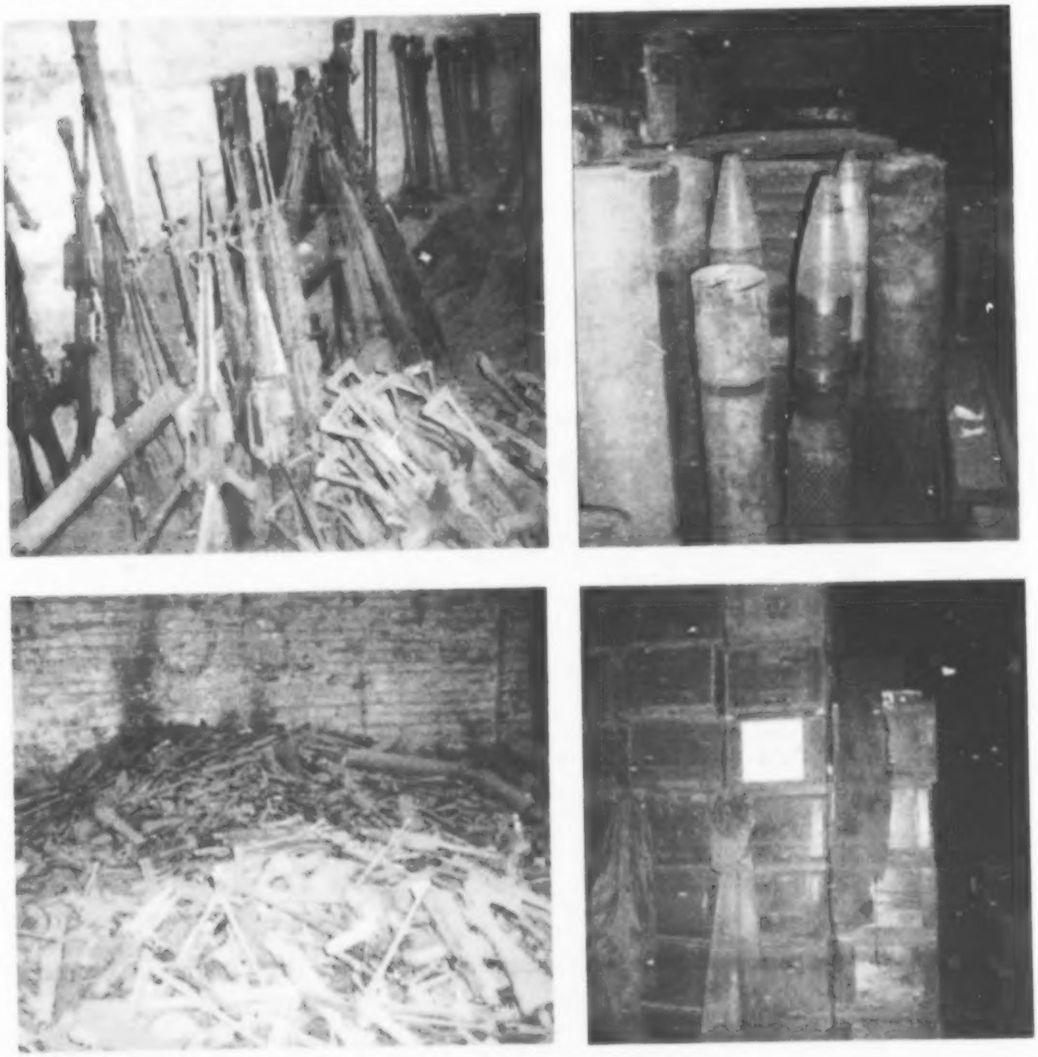
MUKAMBO MUGUO
Col d'Avi

FORCE AÉRIENNE
ESCALE GOMA

AVIS ET CONSIDERATION Comd Ops AMANI LEO	DECISION ChefEMG FARDC

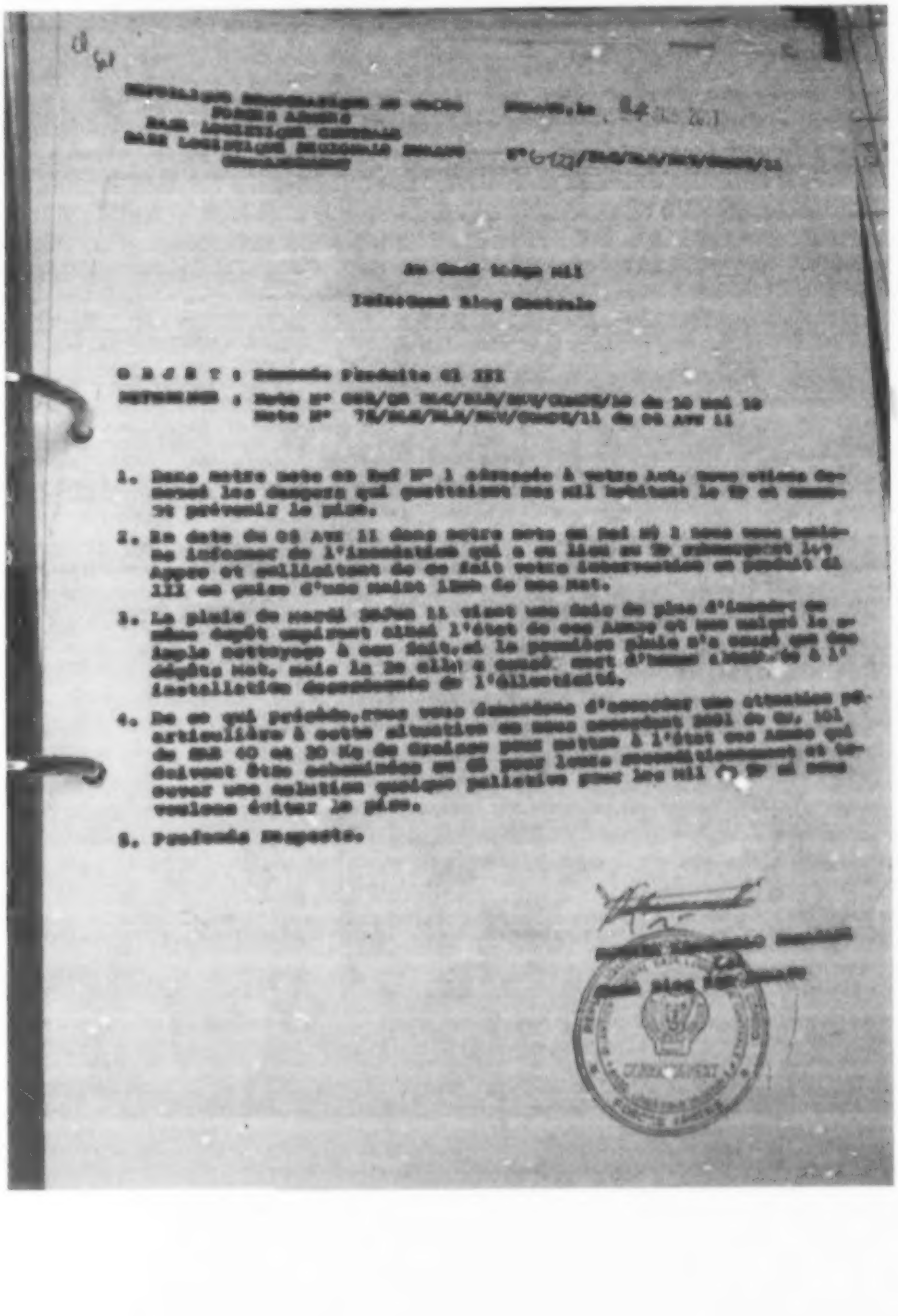
Annex 159

Photographs of the inside of the *Maison des travaux publics* armoury in Bukavu, showing the precarious state of arms and ammunition stored there



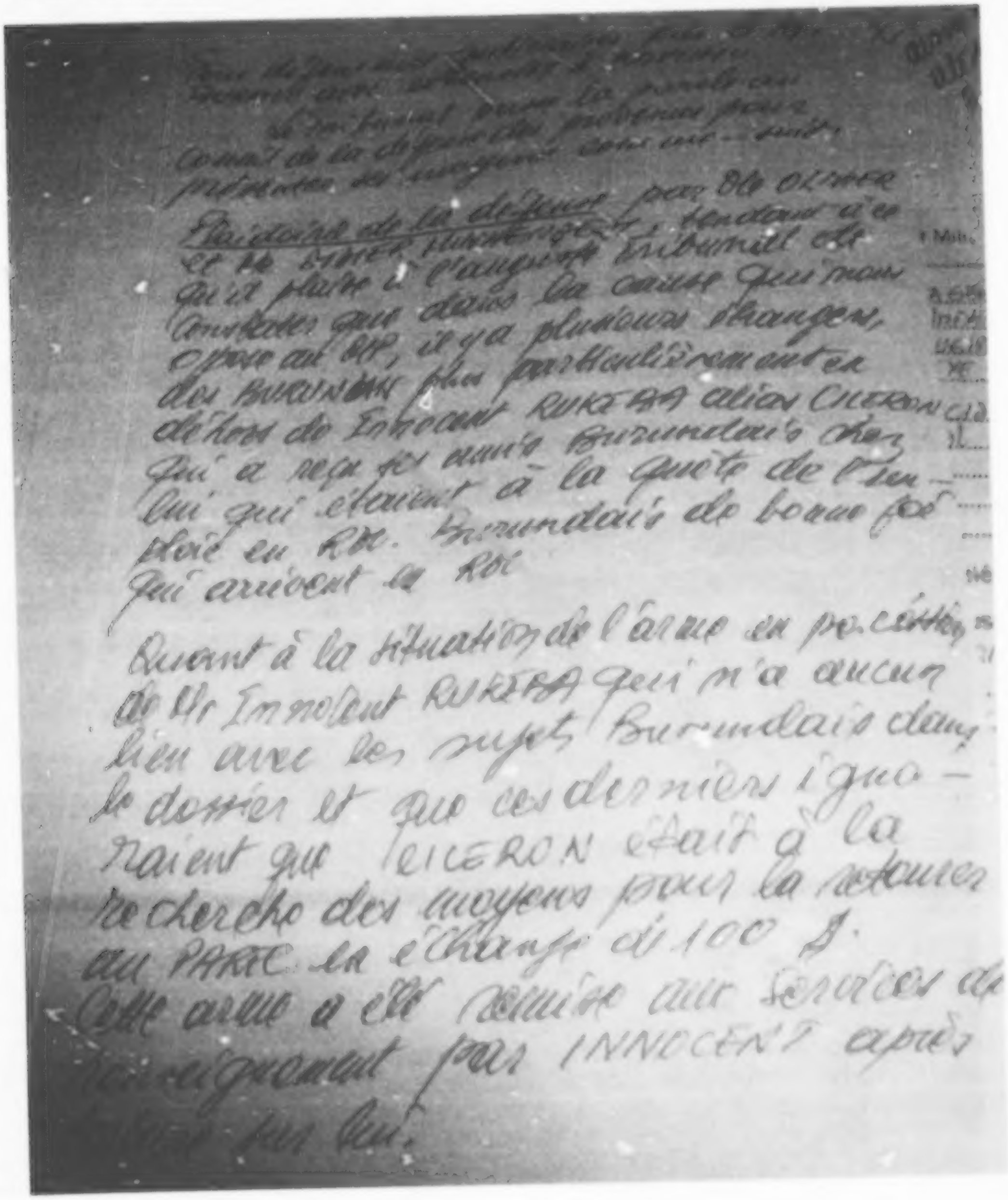
Annex 160

Letter dated 4 July 2011, in which the logistics base commander at Bukavu describes the flooding of the *Maison des travaux publics* and the subsequent electrocution of a civilian



Annex 161

Proceedings of the trial of an individual trafficking weapons from Burundi to the Democratic Republic of the Congo to exchange for money at the non-governmental organizations Paix et réconciliation



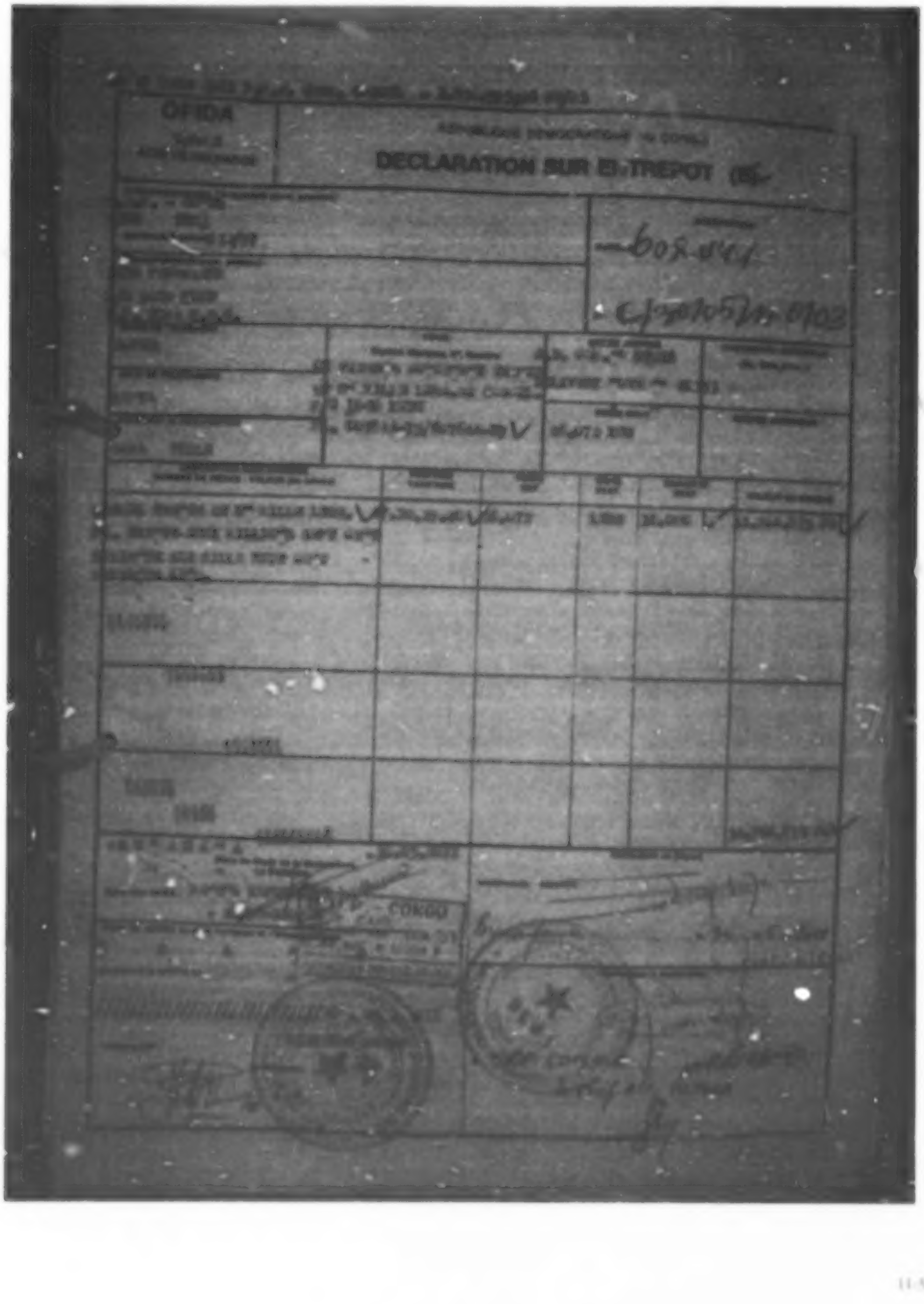
[illegible]
[illegible]
le tribunal [illegible] pour
[illegible] de la défense [illegible]
[illegible]

Plaidoirie de la défense par Me [illegible]
et Me [illegible], tendant à ce
qu'il plaise à l'auguste tribunal de
constater que dans la cause qui nous
oppose au MP, il y a plusieurs étrangers,
des BURUNDAIS plus particulièrement en
dehors de Innocent RUKEBA alias CICERON
qui a reçu ses amis Burundais chez
lui qui étaient à la quête de l'em-
ploi en RDC. Burundais de bonne foi
qui arrivent en RDC

Quant à la situation de l'arme en possession
de Mr Innocent RUKEBA qui n'a aucun
lien avec les sujets Burundais dans
le dossier et que ces derniers igno-
raient que CICERON était à la
recherche des moyens pour la retourner
au PARC en échange de 100 $.
Cette arme a été remise aux services de
renseignement par INNOCENT après
[illegible] par lui.

Annex 162

Petroleum import documents for Logo Kubu, showing Hass Petroleum as transporter



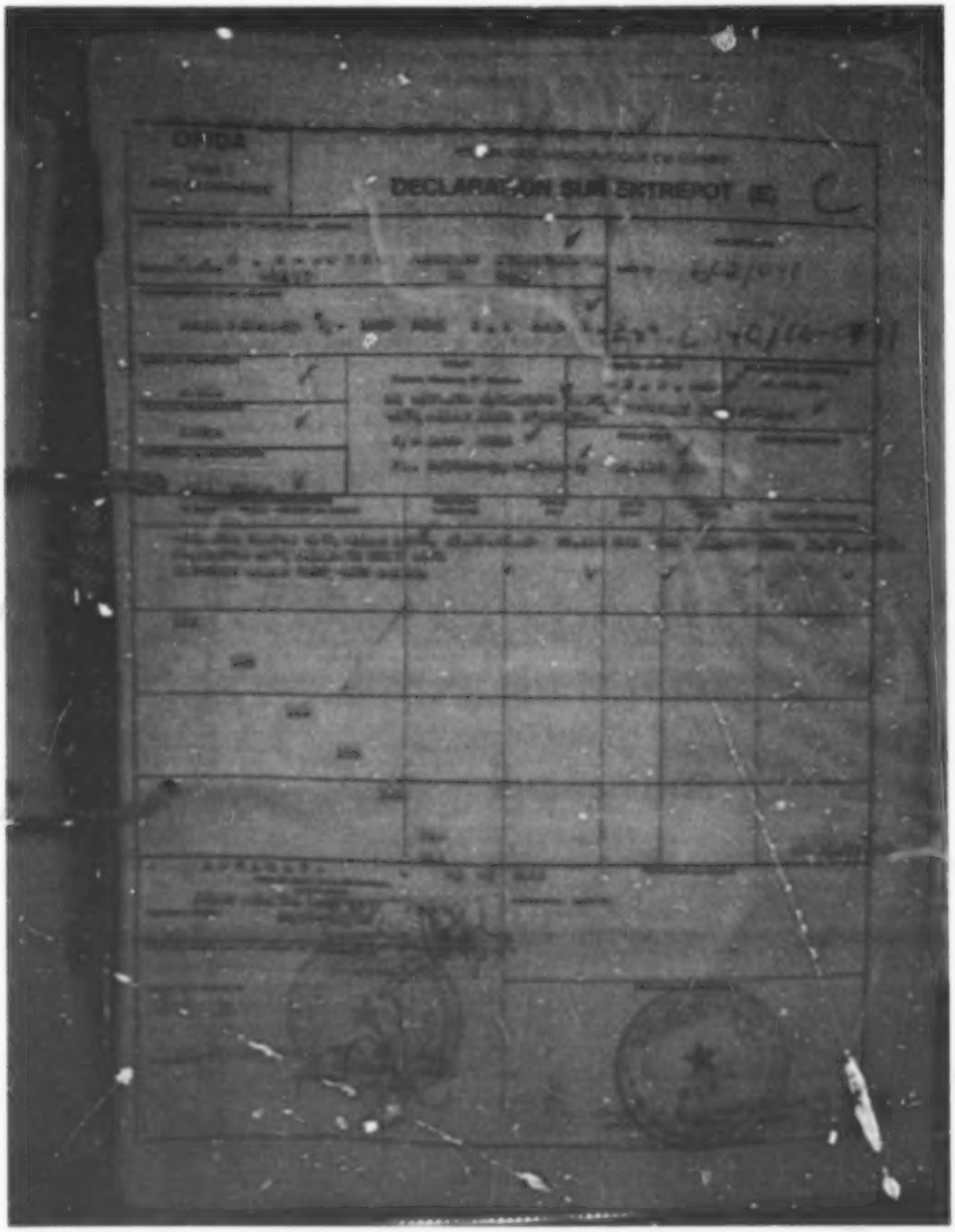
OFIDA

REPUBLIQUE DEMOCRATIQUE DU CONGO

DECLARATION SUR ENTREPOT

Annex 163

Petroleum import documents for Logo Kubu, showing Delta Petroleum as transporter



DECLARATION SUR ENTREPOT (E)

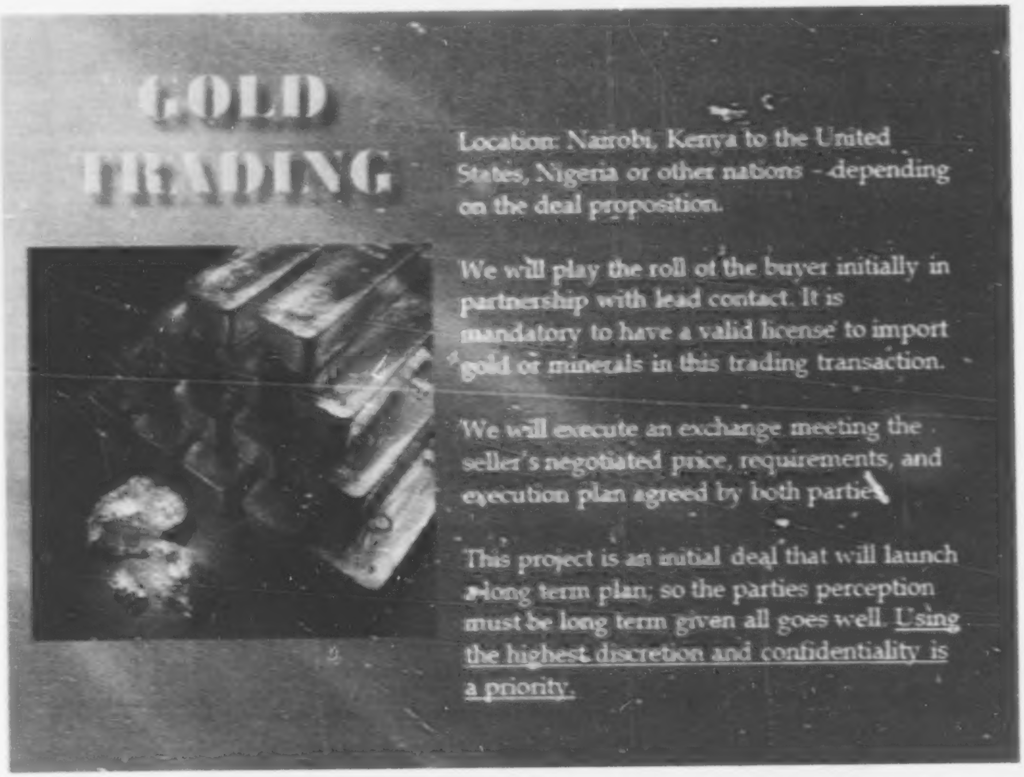
C

Annex 164

Kivu Light Hotel in Goma owned by General Bosco Ntaganda

Annex 165

Extract from a PowerPoint presentation made by Stephan and David Kapuadi at a meeting in New York on 2 December 2010, outlining the proposed gold deal for Dikembe Mutombo, Kase Lawal and Carlos St. Mary



GOLD TRADING

Location: Nairobi, Kenya to the United States, Nigeria or other nations - depending on the deal proposition.

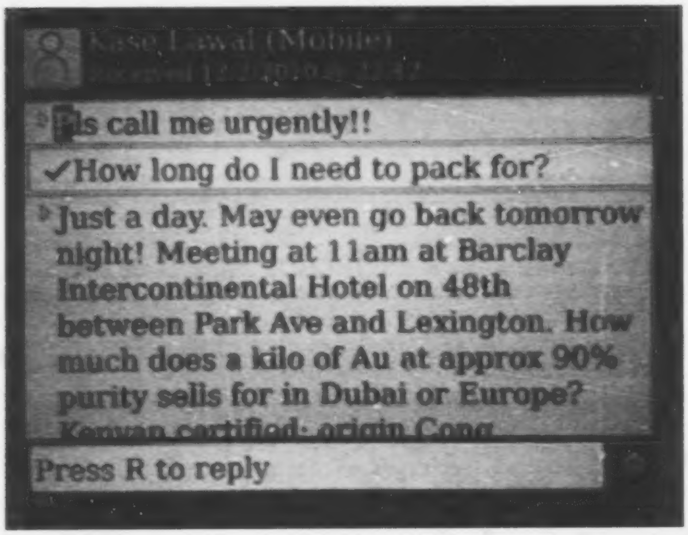
We will play the roll of the buyer initially in partnership with lead contact. It is mandatory to have a valid license to import gold or minerals in this trading transaction.

We will execute an exchange meeting the seller's negotiated price, requirements, and execution plan agreed by both parties.

This project is an initial deal that will launch a long term plan; so the parties perception must be long term given all goes well. Using the highest discretion and confidentiality is a priority.

Annex 166

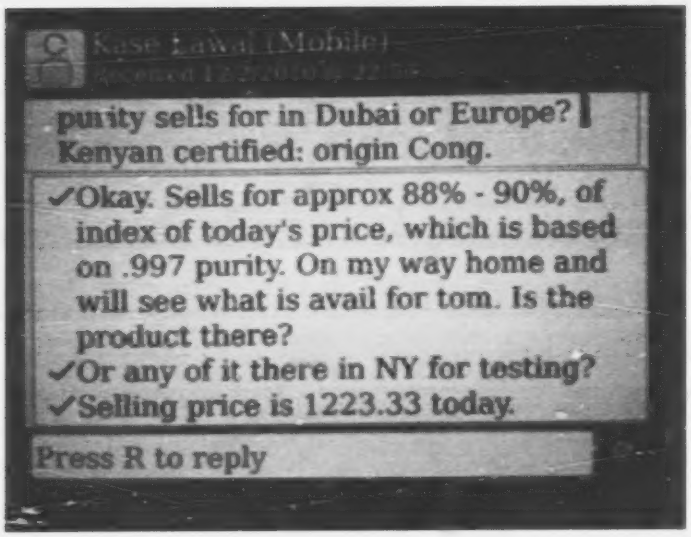
Text message from Kase Lawal to Carlos St. Mary acknowledging the origin of gold as the Democratic Republic of the Congo ("Cong")



Pls call me urgently!!

✓How long do I need to pack for?

Just a day. May even go back tomorrow night! Meeting at 11am at Barclay Intercontinental Hotel on 48th between Park Ave and Lexington. How much does a kilo of Au at approx 90% purity sells for in Dubai or Europe? Kenyan certified: origin Cong



purity sells for in Dubai or Europe? Kenyan certified: origin Cong.

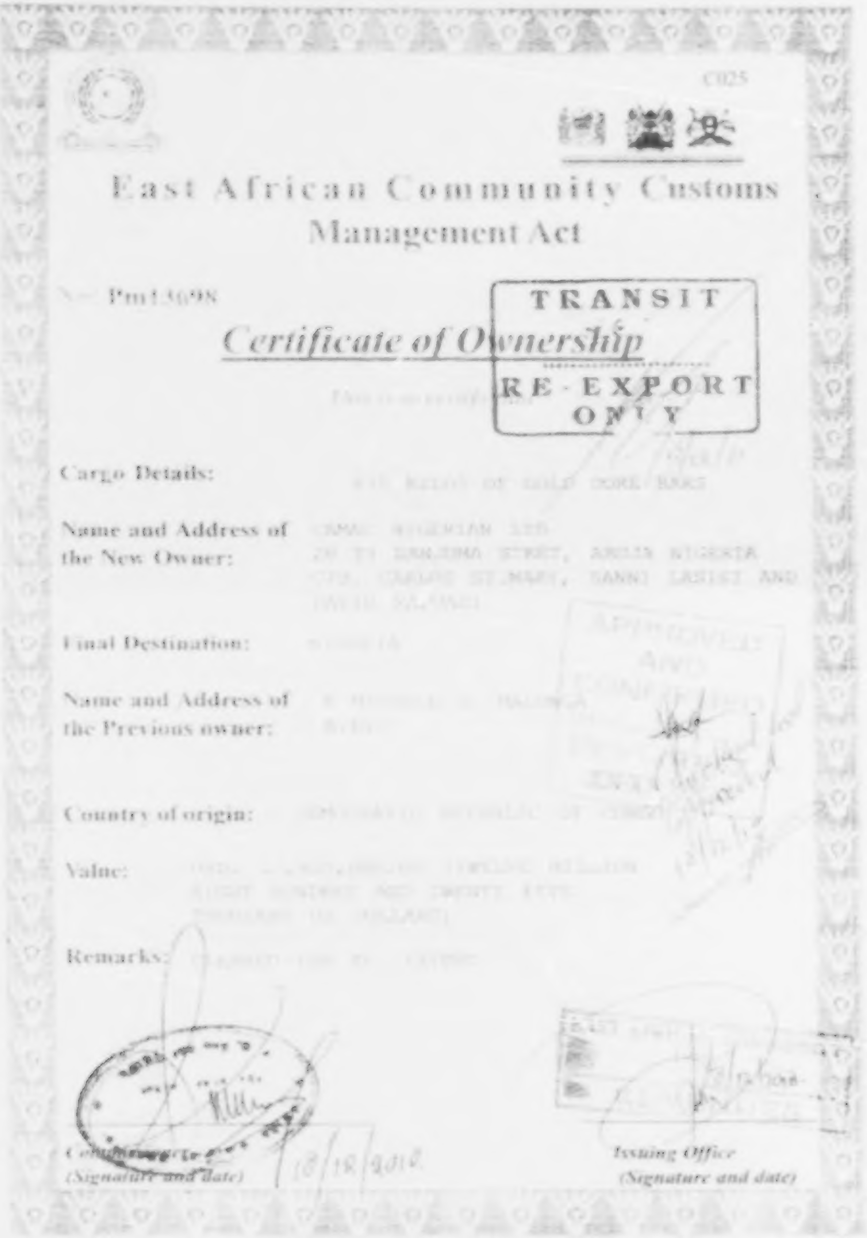
✓Okay. Sells for approx 88% - 90%, of index of today's price, which is based on .997 purity. On my way home and will see what is avail for tom. Is the product there?

✓Or any of it there in NY for testing?

✓Selling price is 1223.33 today.

Annex 167

Fraudulent certificate of ownership provided by Eddy Michel Malonga for 475 kg of gold in the name of CAMAC Nigerian Limited



C025

East African Community Customs Management Act

No Pm13698

Certificate of Ownership

TRANSIT

RE-EXPORT ONLY

This is to certify that

Cargo Details: 475 KILOS OF GOLD DORE BARS

Name and Address of the New Owner: CAMAC NIGERIAN LTD [illegible] ABUJA NIGERIA [illegible]

Final Destination: NIGERIA

Name and Address of the Previous owner: [illegible] MALONGA [illegible]

APPROVED AND CONFIRMED

Country of origin: DEMOCRATIC REPUBLIC OF CONGO

Value: [illegible]

Remarks: [illegible]

[illegible] (Signature and date) 18/12/2010

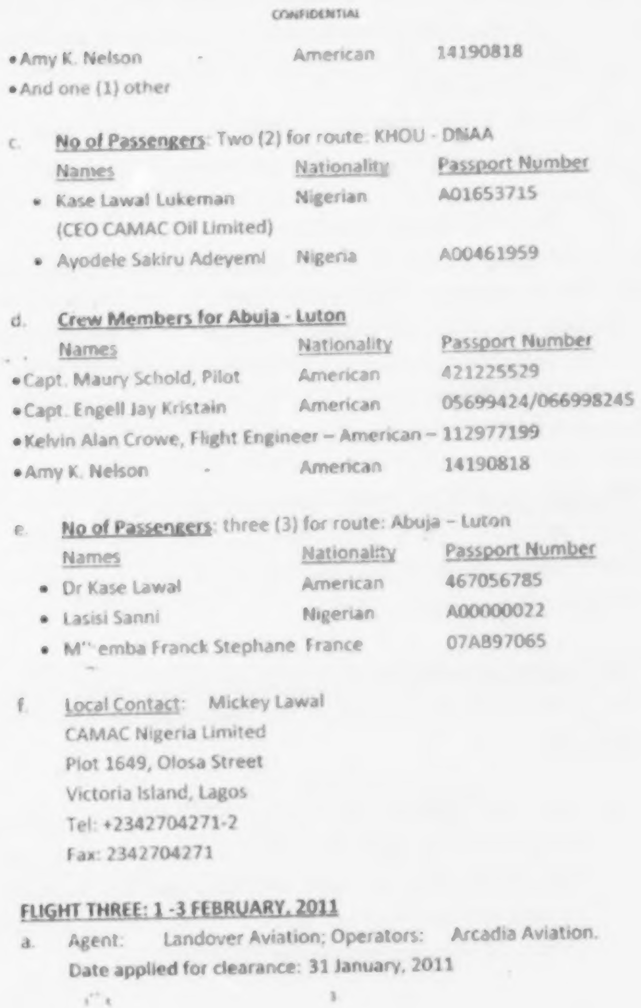
Issuing Office (Signature and date)

Annex 168

Photograph of Gulfstream jet leased by CAMAC, on the runway in Goma

Annex 169

Passenger manifest provided to the Group by the Nigerian authorities for CAMAC flight from Abuja to Goma



CONFIDENTIAL

- Amy K. Nelson - American 14190818
- And one (1) other

c. **No of Passengers**: Two (2) for route: KHOU - DNAA

Names	Nationality	Passport Number
Kase Lawal Lukeman (CEO CAMAC Oil Limited)	Nigerian	A01653715
Ayodele Sakiru Adeyemi	Nigeria	A00461959

d. **Crew Members for Abuja - Luton**

Names	Nationality	Passport Number
Capt. Maury Schold, Pilot	American	421225529
Capt. Engell Jay Kristain	American	05699424/066998245
Kelvin Alan Crowe, Flight Engineer –	American –	112977199
Amy K. Nelson -	American	14190818

e. **No of Passengers**: three (3) for route: Abuja – Luton

Names	Nationality	Passport Number
Dr Kase Lawal	American	467056785
Lasisi Sanni	Nigerian	A00000022
M'' emba Franck Stephane	France	07AB97065

f. Local Contact: Mickey Lawal
CAMAC Nigeria Limited
Plot 1649, Olosa Street
Victoria Island, Lagos
Tel: +2342704271-2
Fax: 2342704271

FLIGHT THREE: 1 -3 FEBRUARY, 2011

a. Agent: Landover Aviation; Operators: Arcadia Aviation.
Date applied for clearance: 31 January, 2011

1

Date of Arrival: 01 February, 2011
Date of departure: 03 February, 2011
Purpose of flight: Private/Pick up SGF and associates
Route: EGGN (Luton) – DNAA (Abuja) – FZNA (Goma)

B. **Crew Members**

- Capt. A. E. Massinon - Pilot
- And two co-pilots

C. **No of Passengers**: Five (5)

Names	Nationality	Passport Number
• Ahmed Mohmoud Yayale, SGF	Nigerian	Diplomatic Ppt
• Hajia Ahmed Aishatu Yayale –	Nigerian	Diplomatic Ppt
• Mr Busari Murigbade –	Nigerian	A00672010
• Lawal Kase Lukeman –	American	467056783
• Mr M'bemba Stephane Franck –	French	07AB97065

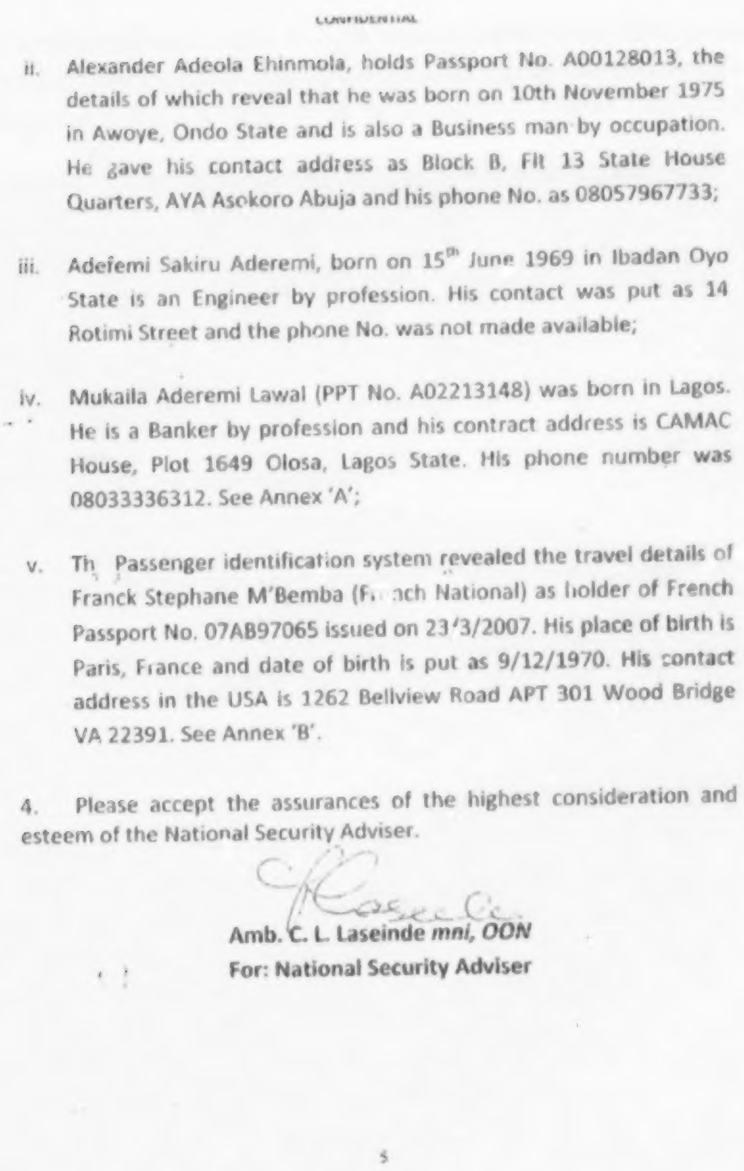
TRAVEL DETAILS OF MESSRS EHINMOLA AND LAWAL

2. The travel details of Messrs Adeola Alexander Ehinmola (Ppt No. A00128013) and Mukaila Aderemi Lawal (Ppt No. A02213148) are attached in appendix II and III.

ADDITIONAL INFORMATION ON THE AIRCRAFT PASSENGERS

3. Additional information on the passengers on board the aircraft indicates:

i. that Mr. Lukman Kase Lawal holds Nigerian Passport No. A01653715. The Passport details revealed that he was born in Ibadan Oyo State on 30th June 1954 and is a business man by occupation. He gives his contact address as 68 Molade Okoye Street. His GSM No. is stated as 08032001755;



ii. Alexander Adeola Ehinmola, holds Passport No. A00128013, the details of which reveal that he was born on 10th November 1975 in Awoye, Ondo State and is also a Business man by occupation. He gave his contact address as Block B, Flt 13 State House Quarters, AYA Asokoro Abuja and his phone No. as 08057967733;

iii. Adefemi Sakiru Aderemi, born on 15th June 1969 in Ibadan Oyo State is an Engineer by profession. His contact was put as 14 Rotimi Street and the phone No. was not made available;

iv. Mukaila Aderemi Lawal (PPT No. A02213148) was born in Lagos. He is a Banker by profession and his contract address is CAMAC House, Plot 1649 Olosa, Lagos State. His phone number was 08033336312. See Annex 'A';

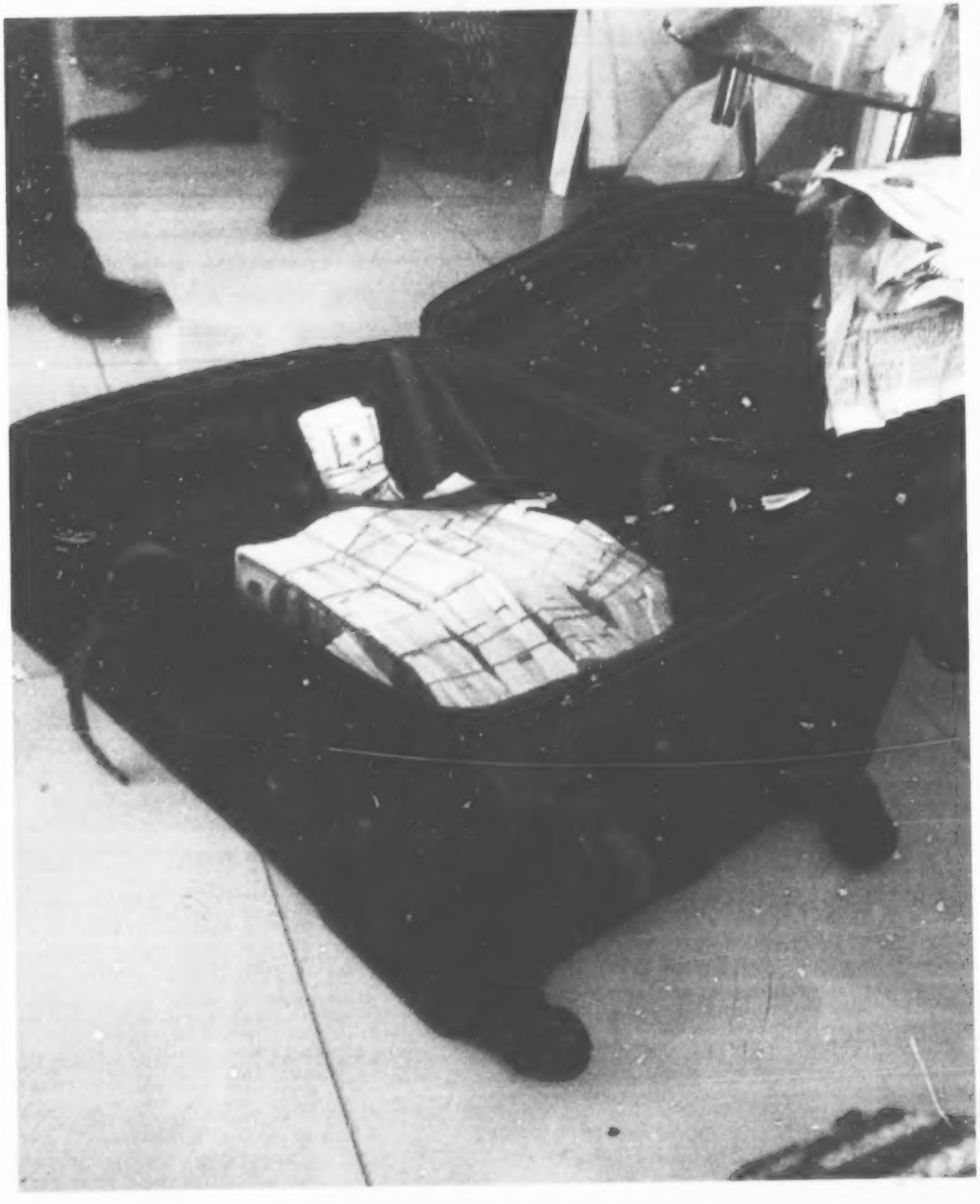
v. The Passenger identification system revealed the travel details of Franck Stephane M'Bemba (French National) as holder of French Passport No. 07AB97065 issued on 23/3/2007. His place of birth is Paris, France and date of birth is put as 9/12/1970. His contact address in the USA is 1262 Bellview Road APT 301 Wood Bridge VA 22391. See Annex 'B'.

4. Please accept the assurances of the highest consideration and esteem of the National Security Adviser.

Amb. C. L. Laseinde *mni, OON*
For: National Security Adviser

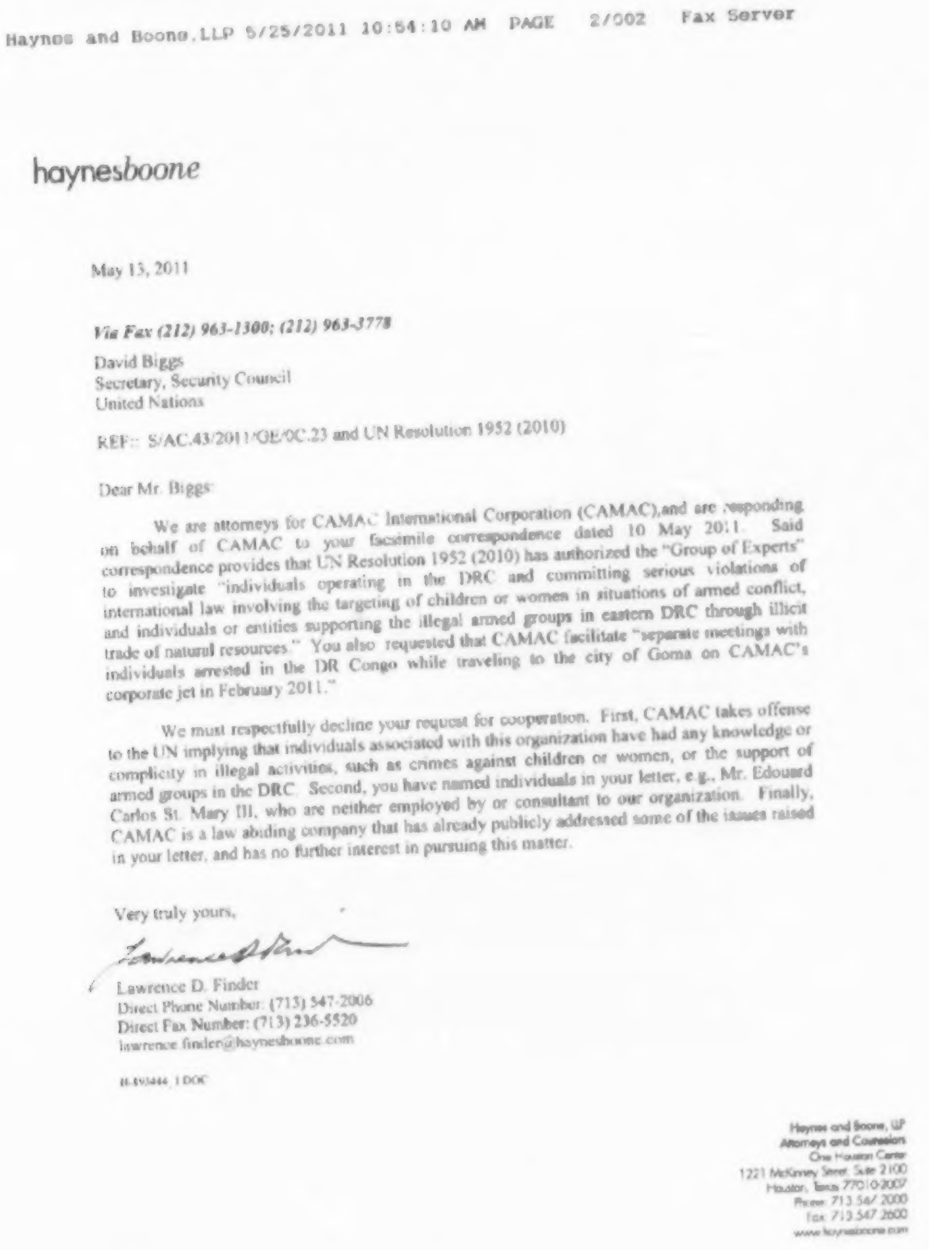
Annex 170

Photograph of United States dollar bills provided to General Bosco Ntaganda by CAMAC being counted at Kivu Light Hotel



Annex 171

Letter to the Group from CAMAC dated 13 May 2011



Haynes and Boone,LLP 5/25/2011 10:54:10 AM PAGE 2/002 Fax Server

haynesboone

May 13, 2011

Via Fax (212) 963-1300; (212) 963-3778

David Biggs
Secretary, Security Council
United Nations

REF:: S/AC.43/2011/GE/0C.23 and UN Resolution 1952 (2010)

Dear Mr. Biggs:

We are attorneys for CAMAC International Corporation (CAMAC),and are responding on behalf of CAMAC to your facsimile correspondence dated 10 May 2011. Said correspondence provides that UN Resolution 1952 (2010) has authorized the "Group of Experts" to investigate "individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, and individuals or entities supporting the illegal armed groups in eastern DRC through illicit trade of natural resources." You also requested that CAMAC facilitate "separate meetings with individuals arrested in the DR Congo while traveling to the city of Goma on CAMAC's corporate jet in February 2011."

We must respectfully decline your request for cooperation. First, CAMAC takes offense to the UN implying that individuals associated with this organization have had any knowledge or complicity in illegal activities, such as crimes against children or women, or the support of armed groups in the DRC. Second, you have named individuals in your letter, e.g., Mr. Edouard Carlos St. Mary III, who are neither employed by or consultant to our organization. Finally, CAMAC is a law abiding company that has already publicly addressed some of the issues raised in your letter, and has no further interest in pursuing this matter.

Very truly yours,

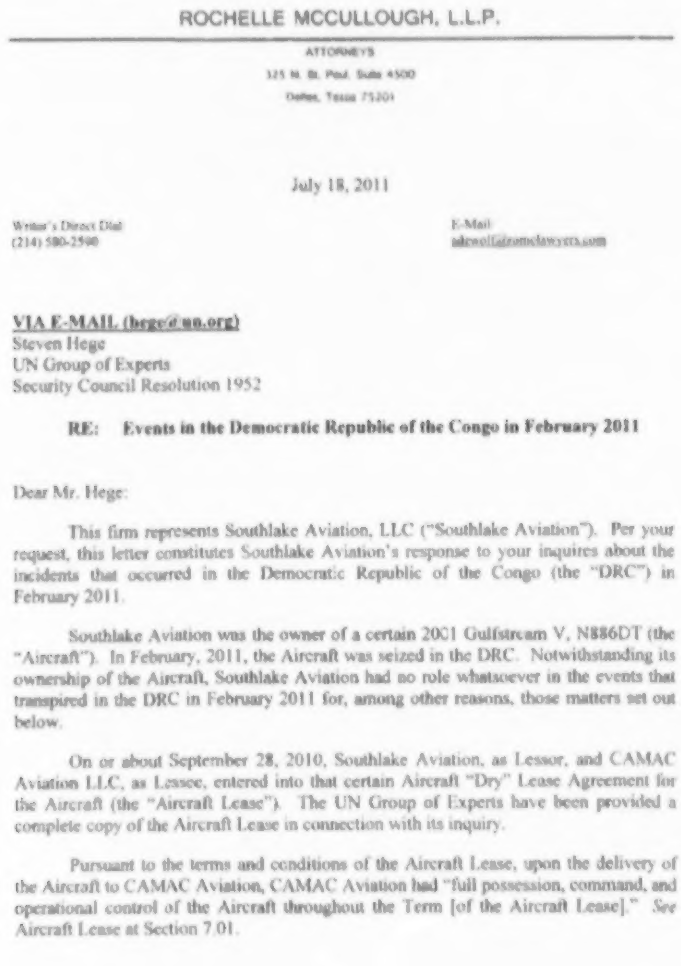
Lawrence D. Finder
Direct Phone Number: (713) 547-2006
Direct Fax Number: (713) 236-5520
lawrence.finder@haynesboone.com

H-893444_1.DOC

Haynes and Boone, LLP
Attorneys and Counselors
One Houston Center
1221 McKinney Street, Suite 2100
Houston, Texas 77010-2007
Phone: 713.547.2000
Fax: 713.547.2600
www.haynesboone.com

Annex 172

Response to the Group's enquiry from the lawyers of Southlake Aviation outlining the sole responsibility of CAMAC for its leased Gulfstream jet



ROCHELLE MCCULLOUGH, L.L.P.
ATTORNEYS
325 N. St. Paul, Suite 4500
Dallas, Texas 75201

July 18, 2011

Writer's Direct Dial
(214) 580-2590

E-Mail
adewolf@romclawyers.com

VIA E-MAIL (hege@un.org)
Steven Hege
UN Group of Experts
Security Council Resolution 1952

RE: Events in the Democratic Republic of the Congo in February 2011

Dear Mr. Hege:

This firm represents Southlake Aviation, LLC ("Southlake Aviation"). Per your request, this letter constitutes Southlake Aviation's response to your inquires about the incidents that occurred in the Democratic Republic of the Congo (the "DRC") in February 2011.

Southlake Aviation was the owner of a certain 2001 Gulfstream V, N886DT (the "Aircraft"). In February, 2011, the Aircraft was seized in the DRC. Notwithstanding its ownership of the Aircraft, Southlake Aviation had no role whatsoever in the events that transpired in the DRC in February 2011 for, among other reasons, those matters set out below.

On or about September 28, 2010, Southlake Aviation, as Lessor, and CAMAC Aviation LLC, as Lessee, entered into that certain Aircraft "Dry" Lease Agreement for the Aircraft (the "Aircraft Lease"). The UN Group of Experts have been provided a complete copy of the Aircraft Lease in connection with its inquiry.

Pursuant to the terms and conditions of the Aircraft Lease, upon the delivery of the Aircraft to CAMAC Aviation, CAMAC Aviation had "full possession, command, and operational control of the Aircraft throughout the Term [of the Aircraft Lease]." *See* Aircraft Lease at Section 7.01.

Consequently, Southlake Aviation had no knowledge or information regarding CAMAC Aviation's use of the Aircraft subsequent to September 28, 2010. At the risk of stating the obvious, Southlake Aviation had no knowledge regarding, among other things, CAMAC Aviation's trip to the DRC in February 2011, the purpose of such trip to the DRC, the contents of the Aircraft during such trip, and/or the passengers and crew on board. Further, as set forth above and made clear in the Aircraft Lease, the Aircraft was under the exclusive dominion and control of CAMAC Aviation and/or its agents from the time of the entry into the Aircraft Lease.

Moreover, under the terms of the Aircraft Lease, CAMAC Aviation specifically agreed that it would not operate the Aircraft in a place such as the DRC. As the Aircraft Lease, in relevant part, expressly provides:

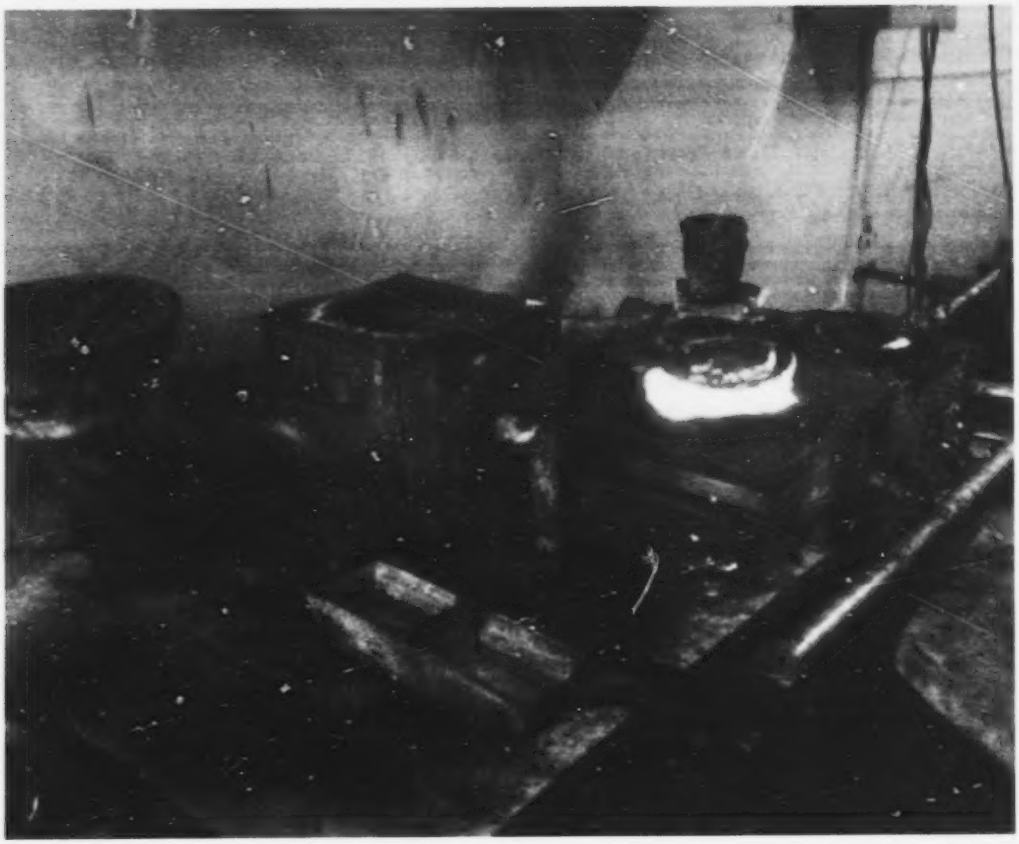
> *Section 7.03 Territorial Limits* LESSEE AGREES NOT TO OPERATE OR LOCATE THE AIRCRAFT, OR ALLOW THE AIRCRAFT TO BE OPERATED OR LOCATED DURING THE TERM, IN OR OVER ANY AREA OF HOSTILITIES, ANY GEOGRAPHIC AREA WHICH IS NOT COVERED BY THE INSURANCE POLICIES REQUIRED BY THE LEASE, OR ANY COUNTRY OR JURSIDICTION FOR WHICH EXPORTS OR TRANSACTIONS ARE SUBJECT TO SPECIFIC RESTRICTIONS UNDER ANY UNITED STATES EXPORT OR OTHER LAW OR UNITED NATIONS SECURITY COUNSEL DIRECTIVE, INCLUDING WITHOUT LIMITIATION, THE TRADING WITH THE ENEMY ACT, 50 U.S.C. APP. SECTIONS 1701 ET. SEQ., AND THE EXPORT ADMINISTRATION ACT, 50 U.S.C. APP. SECTIONS 2401 ET. SEQ. OR TO OTHERWISE VIOLATE, OR PERMIT THE VIOLATION OF, SUCH LAWS OR DIRECTIVES.

Aircraft Lease, at Section 7.03 (emphasis in original).

CAMAC Aviation and its agents knowingly violated the terms and conditions of the Aircraft Lease when it took the Aircraft to the DRC. CAMAC Aviation's actions in taking the Aircraft to the DRC in February 2011 were done without any knowledge or approval of Southlake Aviation.

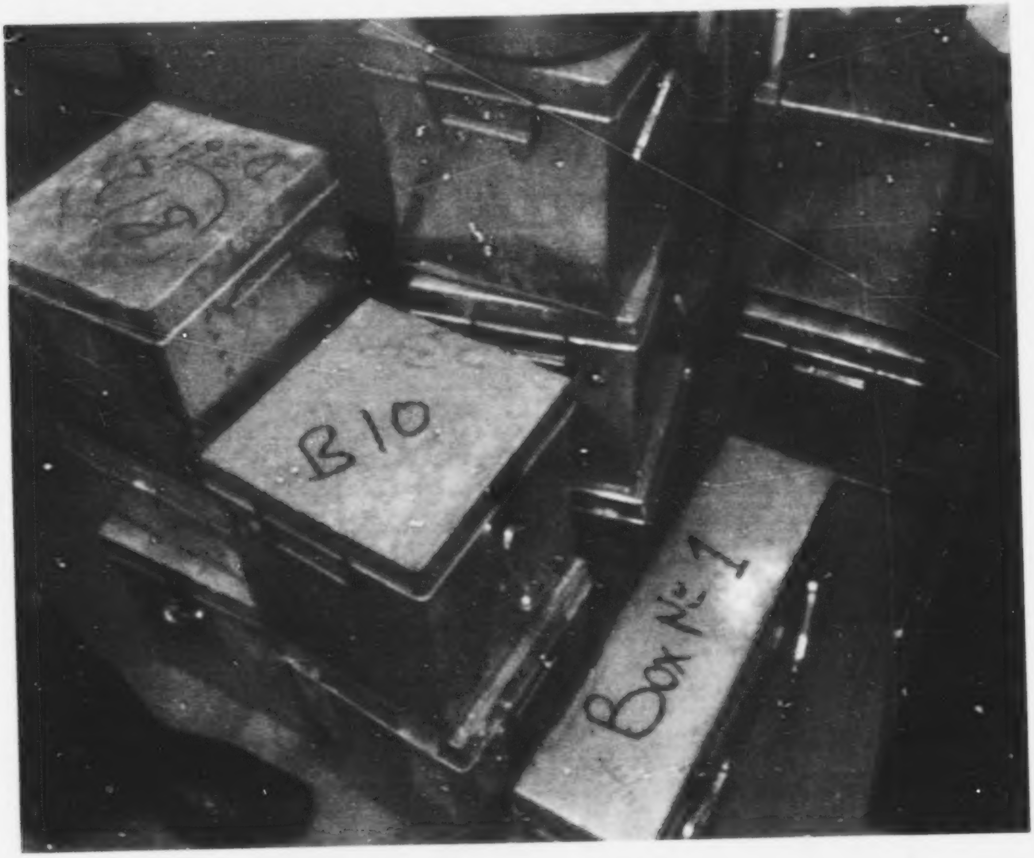
Annex 173

Photograph of the refinery of Paul Kobia in Nairobi



Annex 174

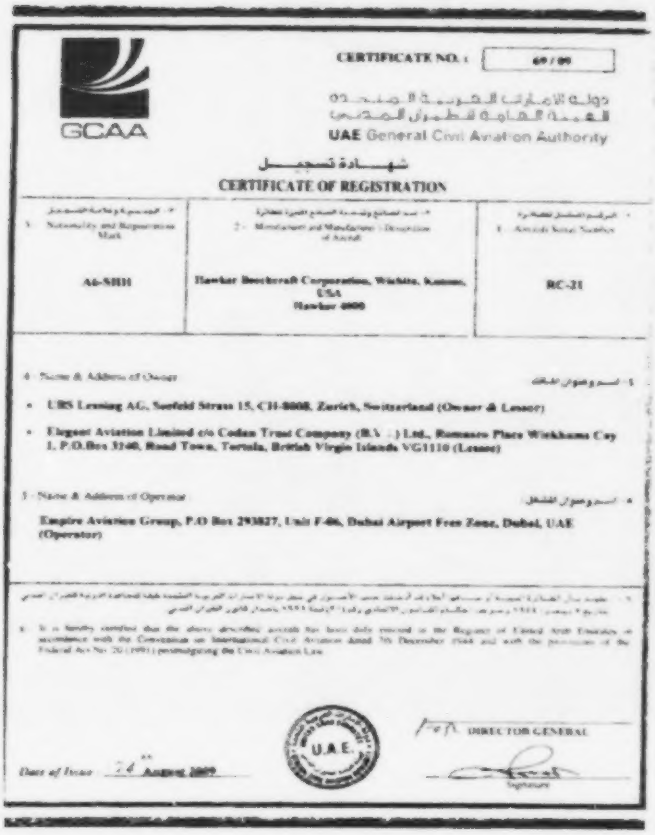
Metal boxes containing fake gold seized by the Kenya Police similar to those described by eye-witnesses as having been used in the CAMAC case in Goma



Annex 175

Empire Aviation jet A6-SHH certificate of registration, travel log (Dubai-Entebbe-Goma) and passenger manifest indicating the name of Tariq Malik

C of R



GCAA

CERTIFICATE NO. : 69 / 09

دولة الإمارات العربية المتحدة
الهيئة العامة للطيران المدني
UAE General Civil Aviation Authority

شهادة تسجيل

CERTIFICATE OF REGISTRATION

3 - Nationality and Registration Mark	2 - Manufacturer and Manufacturer's Designation of Aircraft	1 - Aircraft Serial Number
A6-SHH	**Hawker Beechcraft Corporation, Wichita, Kansas, USA Hawker 4000**	**RC-21**

4 - Name & Address of Owner

- **UBS Leasing AG, Seefeld Strass 15, CH-8008, Zurich, Switzerland (Owner & Lessor)**
- **Elegant Aviation Limited c/o Codan Trust Company (B.V . .) Ltd., Romasco Place Wickhams Cay 1, P.O.Box 3140, Road Town, Tortola, British Virgin Islands VG1110 (Lessee)**

5 - Name & Address of Operator

Empire Aviation Group, P.O Box 293827, Unit F-06, Dubai Airport Free Zone, Dubai, UAE (Operator)

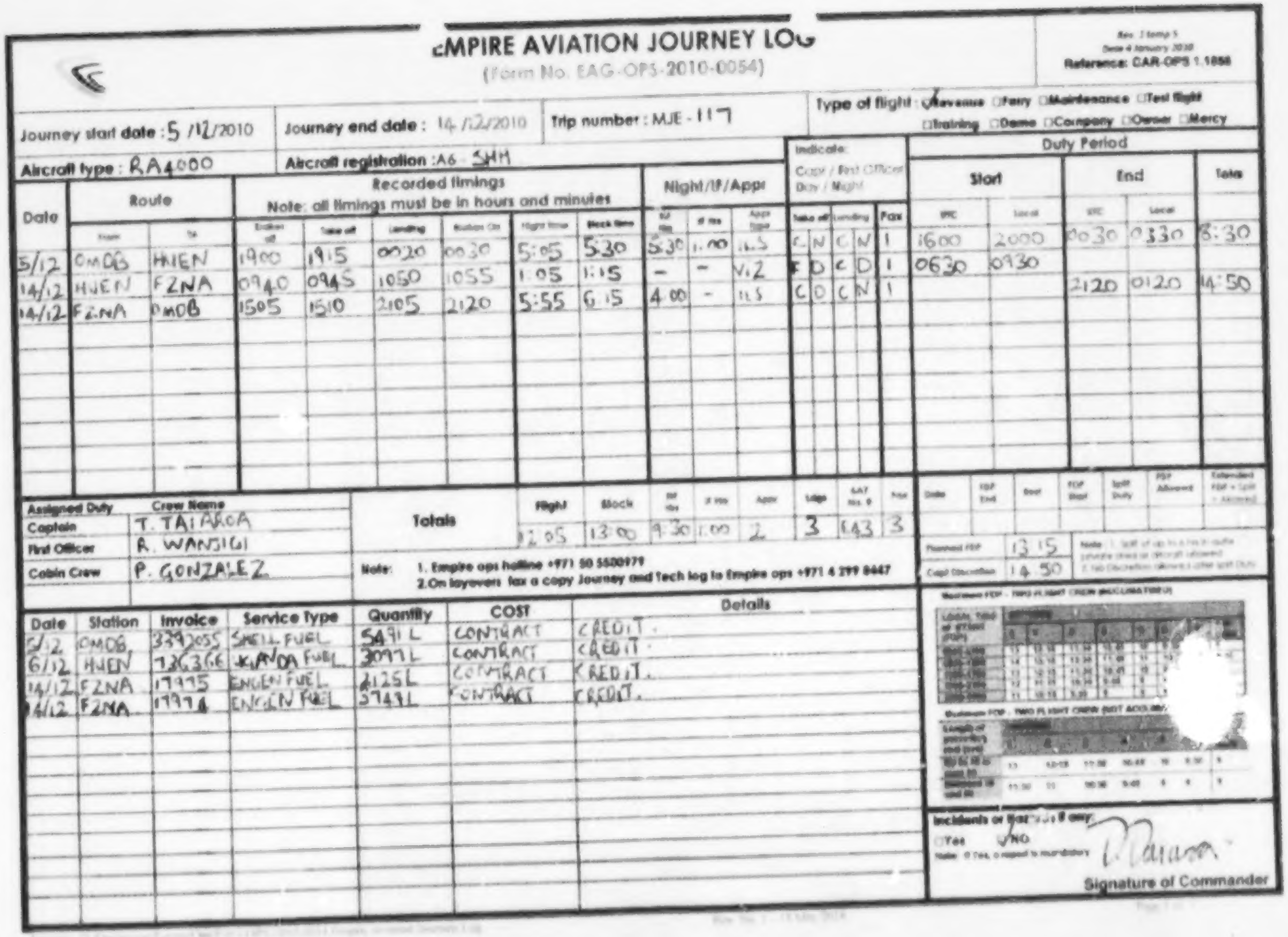
6 - It is hereby certified that the above described aircraft has been duly entered in the Register of United Arab Emirates in accordance with the Convention on International Civil Aviation dated 7th December 1944 and with the provisions of the Federal Act No. 20 (1991) promulgating the Civil Aviation Law.

Date of Issue : 24th August 2009

DIRECTOR GENERAL

Signature

384



EMPIRE AVIATION JOURNEY LOG

(Form No. EAG-OPS-2010-0054)

Rev. 2 temp 5
Date 4 January 2010
Reference: CAR-OPS 1.1055

Journey start date : 5 /12/2010
Journey end date : 14 /12/2010
Trip number : MJE - 117
Type of flight : ☑ Revenue ☐ Ferry ☐ Maintenance ☐ Test flight ☐ Training ☐ Demo ☐ Company ☐ Owner ☐ Mercy
Aircraft type : RA4000
Aircraft registration : A6 - SHM

Date	Route: From	Route: To	Chocks off	Take off	Landing	Chocks On	Flight time	Block time	IF hrs	# hrs	Appr type	Take off		Landing		Pax	Start: UTC	Start: Local	End: UTC	End: Local	Total
5/12	OMDB	HKEN	1900	1915	0020	0030	5:05	5:30	5:30	1.00	ILS	C	N	C	N	1	1600	2000	0030	0330	8:30
14/12	HKEN	FZNA	0940	0945	1050	1055	1:05	1:15	–	–	V.2	F	D	C	D	1	0630	0930			
14/12	FZNA	OMDB	1505	1510	2105	2120	5:55	6:15	4:00	–	ILS	C	D	C	N	1			2120	0120	14:50

Recorded timings: Note: all timings must be in hours and minutes
Night/IF/Appr
Indicate: Capt / First Officer, Day / Night
Duty Period

Assigned Duty	Crew Name
Captain	T. TAIAROA
First Officer	R. WANJIGI
Cabin Crew	P. GONZALEZ

Totals	Flight	Block	IF hrs	# hrs	Appr	Legs	SAT No. 9	Pax
	12:05	13:00	9:30	1:00	2	3	643	3

Date	FDP End	Rest	FDP Start	Split Duty	FDP Allowed	Extended FDP + Split + Allowed

Planned FDP: 13 15
Capt Discretion: 14 50

Note: 1. Empire ops hotline +971 50 5500979
2. On layovers fax a copy Journey and Tech log to Empire ops +971 4 299 8447

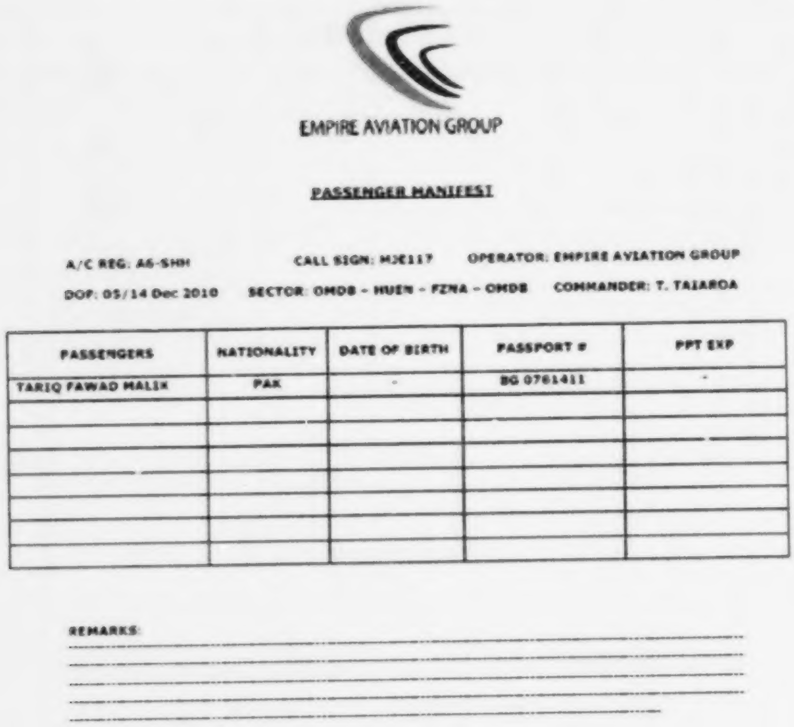
Date	Station	Invoice	Service Type	Quantity	COST	Details
5/12	OMDB	3392055	SHELL FUEL	5491 L	CONTRACT	CREDIT.
6/12	HKEN	136366	KENDA FUEL	3097 L	CONTRACT	CREDIT.
14/12	FZNA	17995	ENGEN FUEL	2125 L	CONTRACT	KREDIT.
14/12	FZNA	17994	ENGEN FUEL	5749 L	CONTRACT	CREDIT.

Maximum FDP – TWO FLIGHT CREW (ACCLIMATISED)

Maximum FDP – TWO FLIGHT CREW (NOT ACCLIMATISED)

Incidents or Remarks if any:
☐ Yes ☑ NO

Signature of Commander



EMPIRE AVIATION GROUP

PASSENGER MANIFEST

A/C REG: A6-SHH CALL SIGN: MJE117 OPERATOR: EMPIRE AVIATION GROUP

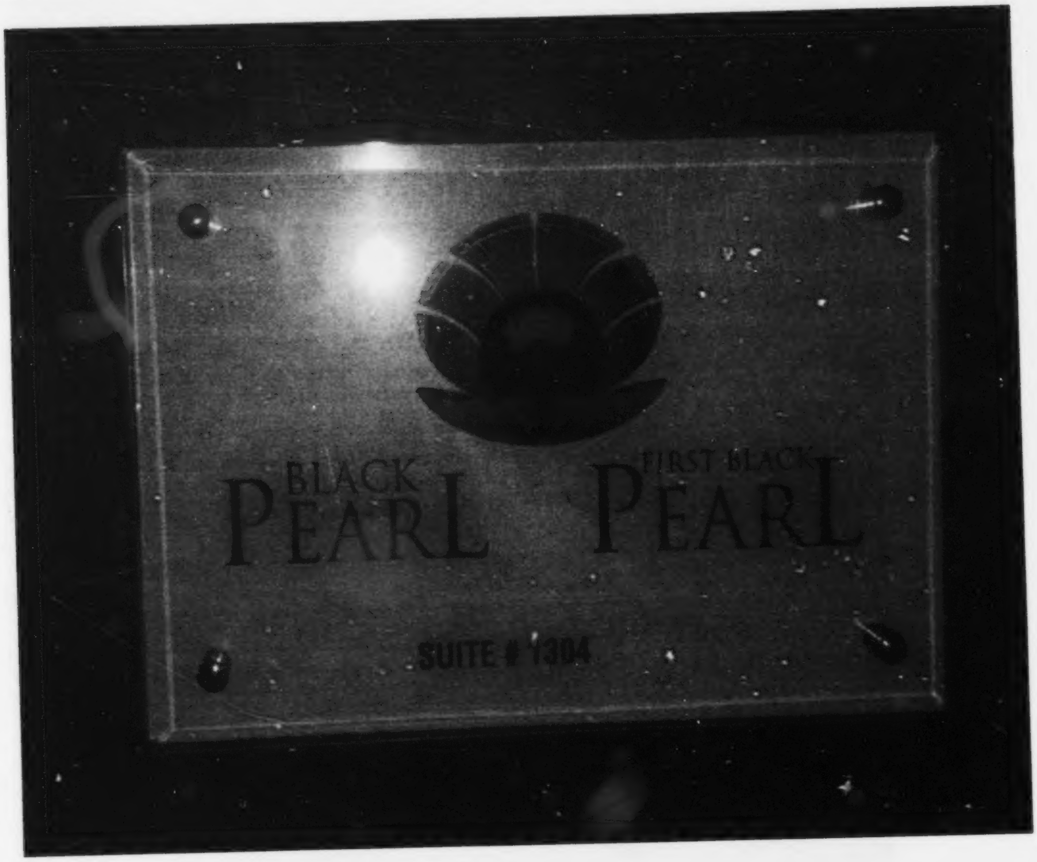
DOF: 05/14 Dec 2010 SECTOR: OMDB - HUEN - FZNA - OMDB COMMANDER: T. TAIAROA

PASSENGERS	NATIONALITY	DATE OF BIRTH	PASSPORT #	PPT EXP
TARIQ FAWAD MALIK	PAK	-	BG 0761411	-

REMARKS:

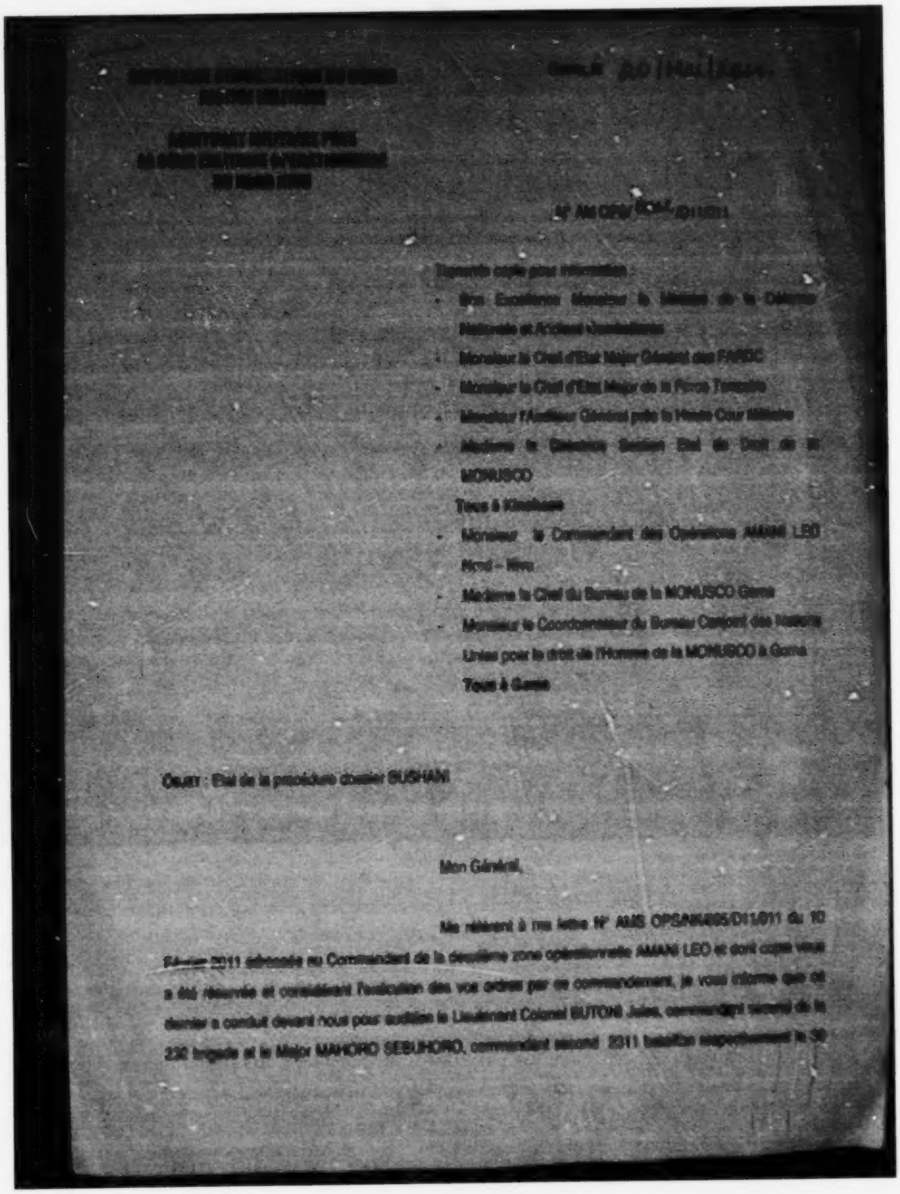
Annex 176

Logo of Black Pearl Capital Limited outside its offices in Dubai



Annex 177

Statement by the military prosecutor on the Bushani mass rape investigation



[illegible]

Goma, le 20 | Mai | 2011

N° AM OPS/ [illegible] /D11/011

Transmis copie pour information :

- Son Excellence Monsieur le Ministre de la Défense Nationale et Anciens Combattants
- Monsieur le Chef d'Etat Major Général des FARDC
- Monsieur le Chef d'Etat Major de la Force Terrestre
- Monsieur l'Auditeur Général près la Haute Cour Militaire
- Madame la Directrice Section Etat de Droit de la MONUSCO

Tous à Kinshasa

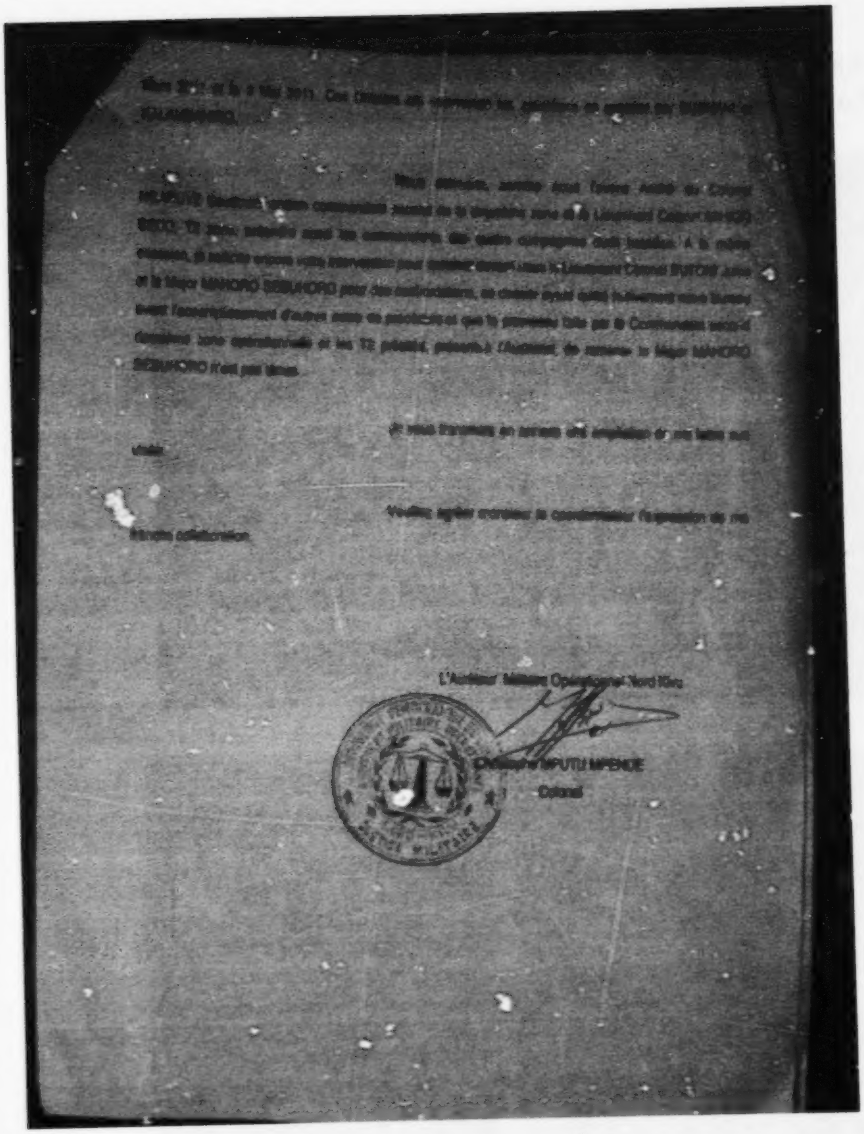
- Monsieur le Commandant des Opérations AMANI LEO Nord – Kivu
- Madame la Chef du Bureau de la MONUSCO Goma
- Monsieur le Coordonnateur du Bureau Conjoint des Nations Unies pour le droit de l'Homme de la MONUSCO à Goma

Tous à Goma

Objet : Etat de la procédure dossier BUSHANI

Mon Général,

Me référant à ma lettre N° AMS OPS/NK/695/D11/011 du 10 Février 2011 adressée au Commandant de la deuxième zone opérationnelle AMANI LEO et dont copie vous a été réservée et considérant l'exécution des vos ordres par ce commandement, je vous informe que ce dernier a conduit devant nous pour audition le Lieutenant Colonel BUTONI Jules, commandant second de la 232 brigade et le Major MAHORO SEBUHORO, commandant second 2311 bataillon respectivement [illegible]



Je vous transmets en annexe une ampliation de ma lettre sus visée.

Veuillez agréer monsieur le coordonnateur l'expression de ma franche collaboration.

L'Auditeur Militaire Opérationnel Nord Kivu

[illegible] MPUTU MPENDE

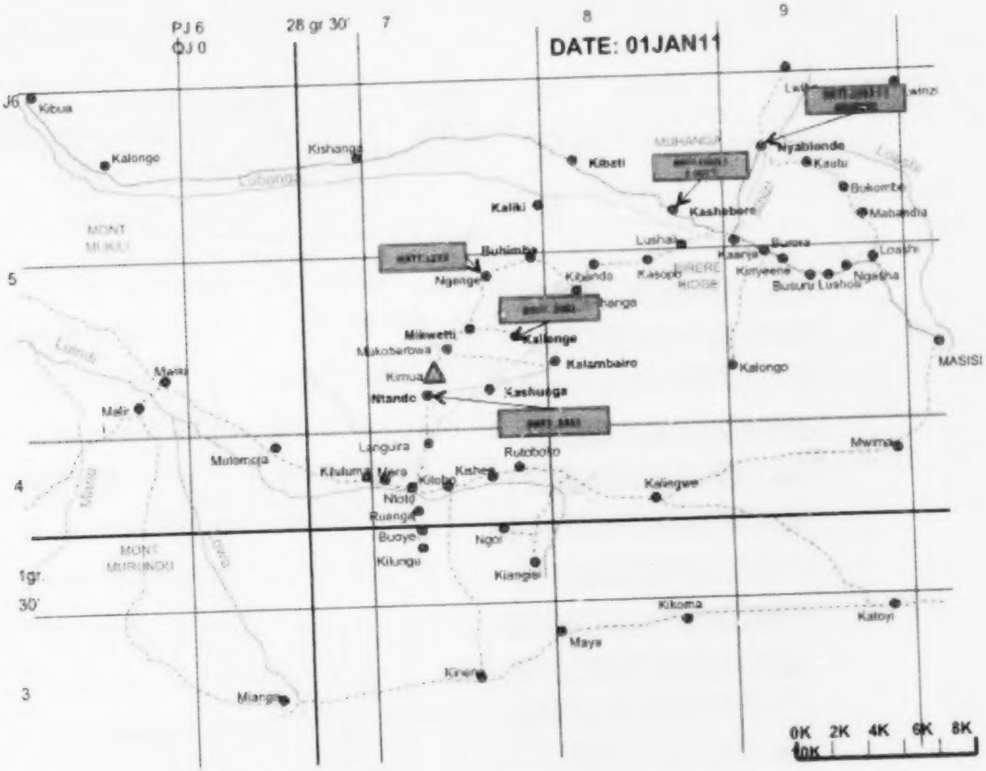
Colonel

Annex 178

The packaging of military rations that were supposed to have been distributed to the 2331st and 2222nd battalions

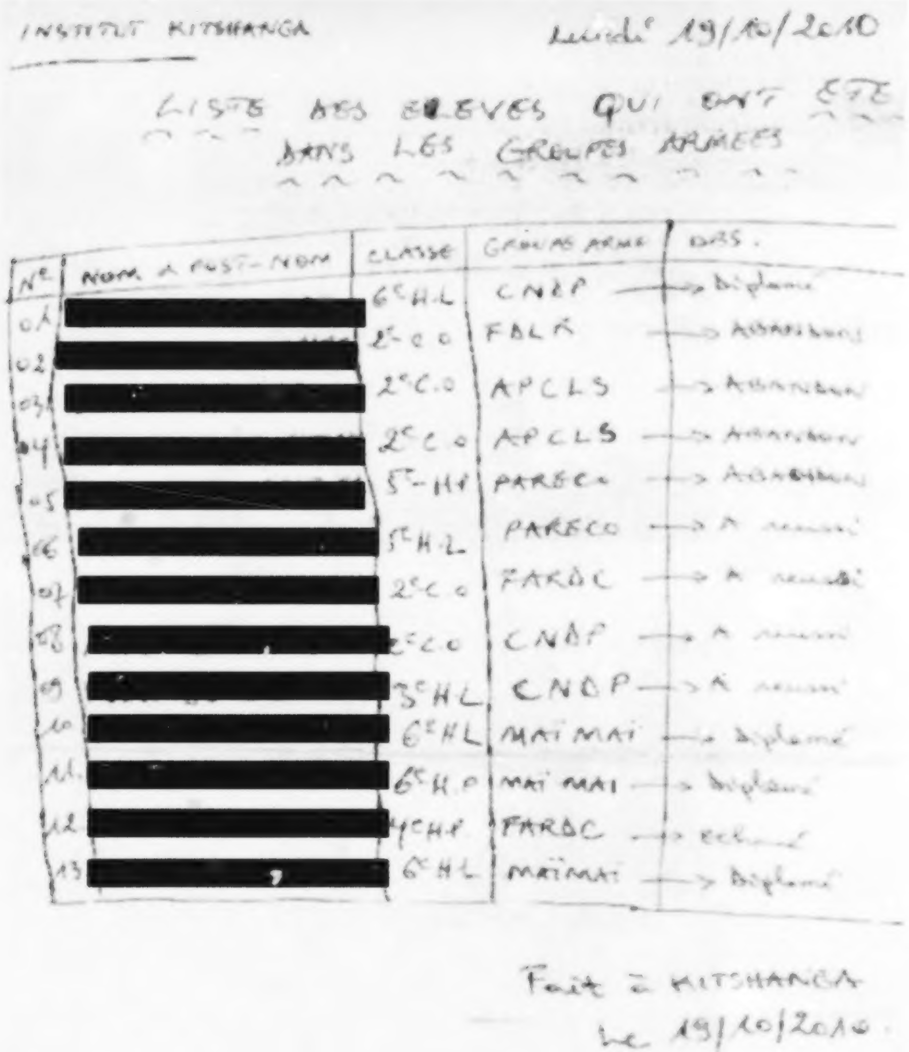
Annex 179

Positions of FARDC battalions during the Bushani operations in December 2010 and January 2011



Annex 180

Recruitment list of children formerly belonging to armed groups, requested from schools in Kitchanga



INSTITUT KITSHANGA

Lundi 19/10/2010

LISTE DES ELEVES QUI ONT ETE DANS LES GROUPES ARMEES

N°	NOM & POST-NOM	CLASSE	GROUPE ARME	OBS.
01	[redacted]	6e H.L	CNDP	→ Diplômé
02	[redacted]	2e C.O	FDLR	→ Abandon
03	[redacted]	2e C.O	APCLS	→ Abandon
04	[redacted]	2e C.O	APCLS	→ Abandon
05	[redacted]	5e H.P	PARECO	→ Abandon
06	[redacted]	5e H.L	PARECO	→ A réussi
07	[redacted]	2e C.O	FARDC	→ A réussi
08	[redacted]	2e C.O	CNDP	→ A réussi
09	[redacted]	3e HL	CNDP	→ A réussi
10	[redacted]	6e HL	MAI MAI	→ Diplômé
11	[redacted]	6e H.P	MAI MAI	→ Diplômé
12	[redacted]	4e H.P	FARDC	→ Echoué
13	[redacted]	6e HL	MAÏMAÏ	→ Diplômé

Fait à KITSHANGA
Le 19/10/2010.